

**APPLICANT**Date July 11, 2011

Zoning Section  
Los Angeles County Board of Supervisors  
Room 383, Kenneth Hahn  
Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**PROJECT**  
**NO/CUP NO.:** Project No. TR066952-(5); CUP No. 200700038; VTTM No. 066952

**APPLICANT:** Valley Vineyards, LLC

**LOCATION:** Bouquet Canyon Road and 87th Street West, Leona Valley

	<b>Zoned District</b>
Leona Valley	

**Related zoning matters:**

**CUP(s) or VARIANCE No.** CUP No. 200700038

**Change of Zone Case No.** \_\_\_\_\_

**Other** VTTM No. 066952

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order made payable to the "**Board of Supervisors**" (check or money order must be presented with personal identification), during regular business hours 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. Contact the Zoning Section of the Board of Supervisors for information: (213) 974-1426.

**This is to appeal: (Check one)**



The cost of denial of this request is \$6,859.00\* OR

The cost of appealing 2 or less conditions is \$800.00\* as listed below\*\*:

Condition 1:

Condition 2:

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\*Exception for Subdivision appeals: \$260.00 of this appeal amount is allocated to the Board of Supervisors' Hearing.

\*\*Regional Planning to verify if the condition(s) can be appealed.

**Briefly, explain the reason for the appeal (attach additional information if necessary):**

Please see the attached for an explanation of the reasons for this appeal.

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x

(Signed)



Appellant

Peter J. Gutierrez, of Latham & Watkins LLP on behalf of Valley Vineyards, LLC

**Print Name**

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COUNTY OF LOS ANGELES  
BOARD OF SUPERVISORS

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## THE VINEYARDS

July 11, 2011

VIA HAND DELIVERY

Michael Ceiplik

Zoning Section

Los Angeles County Board of Supervisors

Room 383, Kenneth Hahn Hall of Administration

500 West Temple Street

Los Angeles, California 90012

Re: Valley Vineyards Letter of Authorization

Dear Mr. Ceiplik:

Valley Vineyards, LLC is appealing the denial of the Valley Vineyards project that was denied by the Los Angeles Regional Planning Commission on June 29, 2011. In connection with the appeal, Valley Vineyards, LLC hereby authorizes Peter J. Gutierrez, Esq. or any other duly designated attorney at Latham & Watkins, LLP to act as its agent and representative for any matter associated with this appeal.

Sincerely,

Bill Ford  
Valley Vineyards, LLC

**Project No. TR066952-(5)**  
**Conditional Use Permit No. 200700038**  
**Vesting Tentative Tract Map No. 066952**

**Appeal Justification**

**I. INTRODUCTION AND OVERVIEW**

On behalf of our client, Valley Vineyards LLC (“Applicant”), this Appeal Justification addresses the abuse of discretion by the Regional Planning Commission (“Commission”) in denying the proposed Valley Vineyards development, an innovative and unique rural residential community of 117 single-family homes on 292.5 acres in the Leona Valley community in unincorporated Los Angeles County (“County”) (the “Project”).

At the Commission hearing on June 29, 2011, the Applicant requested additional time to work with Regional Planning staff (“Staff”) to address specific concerns with respect to the Project and to finalize the environmental document and review of the Project by County Departments. Accordingly, the matter was not ready for the Commission’s consideration and decision. Yet, the Commission reviewed the Project based on incomplete information, inaccuracies, and misrepresentations contained in the Staff Report and evaluated the environmental impacts of the Project without review of an environmental document. Despite the Applicant’s acceptance of an offer by the Chairman of the Commission to make “fundamental changes” to the Project, the Commission denied the Project. In denying the Project, the Commission requested policy guidance from your Board of Supervisors (“Board”) regarding the fundamental changes to the Project requested by Staff.

Pursuant to County Code Section 22.60.250, the Applicant respectfully requests that your Board refer this matter back to the Commission for further proceedings with instructions to finalize the environmental review, to allow the Applicant additional time to redesign the Project in consultation with Staff and the Leona Valley Town Council (“Town Council”), and provide guidance as to whether agriculture, in this case vineyards, is appropriate in open space areas.

**II. PROJECT PRESENTED TO THE COMMISSION**

This section describes the Project as proposed before the Commission. The Applicant has agreed to redesign the Project to address concerns discussed at the Commission hearing.

**A. Overview**

The Project is proposed to be located in Leona Valley on 292.5 acres approximately ten miles west of downtown Palmdale and bounded by Bouquet Canyon Road on the east and 87th Street West on the west (the “Property”). The Project proposed to subdivide the Property into a single-family residential rural community intended to reflect the rural and agricultural character of Leona Valley by incorporating vineyards, equestrian, bike and hiking trails, and passive open areas surrounding 117 home sites available for custom-designed homes.

The 117 home sites proposed to cover approximately fifty acres of the total Property. The Project proposed clustered building pads to minimize disturbance of the Property’s sloped



hilltops and ridgelines. 212.1 acres would be maintained as natural and open space area. The average density for the Property was one dwelling per 2.5 acres, which fully complies with the Antelope Valley Areawide Plan ("Area Plan") and the Los Angeles County Code ("County Code"), including the Leona Valley Community Standards District ("CSD"). Each lot also would comply with the minimum required net lot area as provided for in County Code Section 22.52.100 of 40,000 square feet, not including easements, or as otherwise provided for by the County under County Code Section 22.52.102.

## **B. Sustainable Development Features**

The proposed Project was a model for sustainable and low impact development in the County. The Project strove to enhance Leona Valley's environment by utilizing the pilot Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) methodologies to guide the Project design. The Project also would have implemented Low Impact Development ("LID") techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retention systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project's environmental footprint. These LID features go beyond the County's LID requirements. The Project would utilize alternative wastewater management practices such as lot specific advanced wastewater treatment systems (ATS) (i.e. an advanced septic system) and Evapotranspiration/Infiltration (ET/I) areas (i.e. advanced leech fields). The Project's 117 proposed homes utilizing this advanced technology would have the equivalent environmental impact of only approximately four homes using a traditional septic system. Through the use of these features, the Project proposed to manage on-site all of the stormwater that falls on the Property as well as any wastewater generated by the individual homes. The Project would be a model for sustainable land design for the County.

The Project would have uniquely integrated agricultural elements into a low density residential design with a significant emphasis on sustainability, which would have resulted in an innovative, green, cutting edge community, one which has not been seen in California. The County would have taken the lead with these innovative land design features.

## **C. Open and Natural Area**

79.4 percent – 212.1 acres – of the Property was proposed to be maintained as open or natural area, including approximately 94 acres devoted to vineyards. Leona Valley is a unique area for vineyards and was recently awarded an American Viticultural Area by the Federal Government. (*See Proposed Establishment of the Leona Valley Viticultural Area* (2007R–281P), 72 Fed. Reg. 224 (Nov. 21, 2007) (to be codified at 27 C.F.R. pt. 9).) Vineyards play an important role, both historically and commercially, in the community. In addition, the open areas would include equestrian and hiking trails, horse staging areas, rest areas, and valley overlooks.

The Project proposed to dedicate three miles of trails to the County Department of Parks and Recreation, including the Leona Valley Loop, a public multi-purpose trail along 87th Street West continuing along the northern Property boundary to the east and along Bouquet Canyon Road, and a trail alignment for the Granite Mountain Trail. The Applicant had also agreed to increase trail amenities on the Property requested by the Department of Parks and Recreation

including valley view spots, a rest area, a hitching post, and benches. There were approximately five miles of bio-swales adjacent to the private driveways and fire lanes throughout the Property that would have been accessible to the public for walking and equestrian uses.

#### **D. Public and Private Services**

The Project would be served by private driveways and fire lanes with access provided by Bouquet Canyon Road on the east and 87th Street West on the west. The Project would have created a second emergency access road for Leona Valley. The private driveways and fire lanes were developed at a paved width of 36 feet in consultation with the Department of Public Works and Fire Department. If the Fire Department and Department of Public Works are agreeable to narrower paving, the Applicant would reduce the paved width of the private driveways and fire lanes, as suggested by Staff, to a width that is determined to meet applicable safety and access requirements.

The Project proposed to not use groundwater, thereby preserving this resource for current residents. The Project's on-site water supply infrastructure would include dozens of fire hydrants, distribution lines, and a water tank. This infrastructure would increase water pressure for nearby Leona Valley residents.

The Project proposed an advanced wastewater treatment system, which included advanced wastewater capture and treatment technology on each lot that would result in effluent that is approximately 98 percent cleaner than effluent from conventional septic systems. After the water was treated on each residential lot, it would be conveyed to one of four centralized treatment areas within the Property where the water would receive supplemental treatment, if necessary. The water would then be allowed to evapotranspire or conventionally percolate into the soil. The wastewater treatment system would be maintained by a Community Services District or other similar public or private entity approved by the County, which the Department of Public Works, the Department of Public Health, and the Lahontan Regional Water Quality Control Board ("RWQCB") had agreed to.

#### **E. Entitlements and Environmental Review**

The Project entitlements included a Vesting Tentative Tract Map ("VTTM") and a Conditional Use Permit ("CUP") for compliance with non-urban hillside management regulations, density-controlled development, an on-site wastewater treatment system, and project grading exceeding 100,000 cubic yards of combined cut and fill. A Mitigated Negative Declaration ("MND") pursuant to the California Environmental Quality Act ("CEQA") was prepared for the Project and was pending final review by Staff. However, Staff did not present the MND to the Commission for its review.

### **III. ERRORS COMMITTED BY THE REGIONAL PLANNING COMMISSION**

#### **A. The Findings are Based on Misrepresentations, Inaccuracies, and Incomplete Information are Therefore Conclusory and Lack Evidentiary Support**

The Commission based its determination on the Staff Report, which included numerous inaccuracies and misrepresentations, and Staff failed to discuss or provide the Commission with

the environmental document or with numerous submissions made to Staff by the Applicant and its representatives. Because of the one-sided information, the Commission decision was arbitrary and capricious because the Commission was incapable of balancing complete and comprehensive information about the Project to base its decision. As a result, the VTTM and CUP Findings are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

As discussed in Section III.C below and contrary to the VTTM and CUP Findings, the Project as proposed is consistent with the County's General Plan, the Area Plan, the County Code including the CSD, and the Subdivision Map Act. In addition, the Project meets the burden of proof. Regardless, the Applicant has agreed to redesign the Project to address issues raised by the Commission, Staff, and the Town Council.

**B. The Regional Planning Commission Improperly Evaluated the Environmental Impacts of the Project Without an Environmental Document**

While no environmental document was before the Commission for review, the Commission proceeded to improperly evaluate the impacts of the Project in making its determination to deny the Project. For example, Commissioners specifically asked Staff, the Applicant, and a member of the Town Council about impacts to cultural resources. (Regional Planning Commission Transcript, Attachment 1, hereinafter referred to as "Transcript", p. 20:1-3, p.37:19-22, and p. 67:17-20.) The MND prepared for the Project addressed cultural resources. Indeed, the MND determined that the Project would have less than a significant impact with mitigation to cultural resources; however, this information was not before the Commission for review, and the Commission instead heard incomplete information about potential impacts to cultural resources. In addition, the Commission heard testimony regarding other potential environmental impacts including impacts to visual qualities and traffic and discussed water and sewage disposal impacts. (See e.g. Transcript p. 65: 9-14, p.76:10-12, pp. 94:8-96:23, p. 97: 23-34, p. 98:1-4, and pp. 125:5-127:8.)

VTTM Finding 38 and CUP Finding 38 demonstrate that part of the Commission's decision to deny was based on its evaluation of environmental impacts. As VTTM Finding 38 and CUP Finding 38 state "[t]he Commission was concerned with the size of the proposed commercial vineyard in relation to the anticipated water use and impacts to the overall project." Without the MND however, the Commission could not fully analyze the water impacts because it was not given complete information. Further, the Commission could not draw any legally supportable conclusions about the "impacts to the overall project."

Evaluating the Project's impacts without an environmental document violated the Applicant's right to due process and a fair hearing and was an abuse of discretion because without the MND the Commission was not given a fair depiction or adequate information on the Project or the environmental impacts. (See Latham & Watkins, LLP Letter dated June 9, 2011, regarding the Applicant's substantive and procedural due process rights, Attachment 2.) Yet the Commission preceded to take testimony concerning environmental impacts and made judgments concerning such impacts.

**C. The Commission's Decision is Inconsistent With the County's General Plan, the Area Plan, and the County Code Including the CSD**

The Commission's decision is inconsistent with the County's General Plan, the Area Plan, and the County Code including the CSD. The Project proposed at the Commission was designed with the rural character of the Leona Valley and all relevant rural community and hillside development plan policies in mind. The Project included a CUP for non-urban hillside management, density-controlled development, an on-site wastewater treatment system, and onsite grading exceeding 100,000 cubic yards of earthwork. For the reasons set forth herein and in the Applicant's Response to Staff Report, included as Attachment 3, the Project satisfies all components of the CUP burden of proof including the additional hillside management burden of proof requirements. VTTM Finding 24 and CUP Finding 24 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

While the Project meets the burden of proof, during the Commission hearing, Regional Planning Director Richard Bruckner identified three fundamental issues Staff has with the Project: 1) the quantity of grading; 2) the Project's proposed clustering; and 3) the vineyard component of the Project. (Transcript, pp. 58:19-59:13.) During the hearing, the Applicant expressed its willingness to work with Staff on each of these issues. VTTM Finding 38 and CUP Finding 38 expanded the fundamental issues raised by Staff in the hearing to include the additional issues of density and the proposed wastewater treatment system. Regardless of which issues Staff includes in its main concerns, the Applicant has agreed to redesign the Project to address Staff's concerns.

Based on the position taken by Staff at the hearing, Chairman Modugno presented three options to the Applicant: 1) for the Commission to deny the Project; 2) for the Commission to provide a short continuance for the Applicant to come back with modest changes and a completed Project; or 3) for the Commission to provide a longer continuance to allow the Applicant time to fundamentally redesign the Project to address the three fundamental issues identified by Director Bruckner. (Transcript, pp. 113:3-115:18.) After listening to the Commission discussion, the Applicant agreed to option three, the longer continuance and fundamental redesign. Despite expressing to the Commission its willingness and desire to change the Project, the Commission pulled option three and instead denied the Project. The Commission expressed a hope that your Board would provide some guidance with respect to the policy decisions on the fundamental issues raised by Staff. As Vice Chair Esther Valadez explained:

I think that there are some fundamental issues here that for us to then put them through all this redesign and then send them to the Board of Supervisors and go through another redesign, I think it's time for them to go to the Board of Supervisors and see what -- whether these issues are as important at that level as they are here.

(Transcript, p. 135:11-17.)

Therefore, while the Applicant maintains that the Project as currently designed is consistent with the County's General Plan, the Area Plan, and the County Code including the



CSD the Applicant will redesign the Project based on Staff's concerns subject to guidance from your Board regarding some of the fundamental issues.

1. The Applicant has Agreed to Redesign the Project to Reduce Density

While the density of the Project before the Commission is entirely consistent with the County's General Plan, Area Plan, and County Code including the CSD, the Applicant has agreed to redesign the Project to reduce density to address Staff's and the Town Council's concerns about the proposed density. A reduction in density would address several fundamental changes requested by Staff because a change in density would result in changes to the Project's clustering, grading, and open areas.

Pursuant to the General Plan and Area Plan, the low-density threshold on the Property is 80, the midpoint density for the Property is 109, and the high density is 139. VTTM Finding 23 and CUP Finding 23 fail to mention the buildable density calculation under the General Plan and Area Plan and only use the density calculation designed as a threshold to determine whether a hillside management CUP is required. Again, this CUP density calculation is not the most appropriate way to calculate density because it ignores the General Plan and Area Plan buildable densities. Therefore, VTTM Finding 23 and CUP Finding 23 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

Contrary to the VTTM and CUP Findings, the Project's proposed density of 117 is only slightly above the midpoint and is 19 percent below the high density. There was evidence before the Commission that the Project site is large enough to accommodate the 117 clustered residential lots, associated vineyards, bio-systems, wastewater treatment system, water tank, private driveways and fire lanes, and public trails. This density also is consistent with the density in the surrounding community and compares favorably to other projects approved by the Commission with respect to the percentage over the midpoint and percentage under the maximum permitted density. (*See Response to Staff Report, Attachment 3.*)

As currently designed, the Project's unique features, including its significant commitment to natural open area and green design, and trail amenities all militate in favor of density above any midpoint calculation. The Project would implement LID techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retentions systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project's environmental footprint. The Applicant also expressed a commitment to assisting with the upgrade of an off-site Leona Valley community center and providing other community benefits. These Project features and community benefits support approving density over the midpoint. As Chairman Modugno stated during the Commission hearing, "the sustainability, some of the other features with it, et cetera" could support an increase in the density over the midpoint. (Transcript, p. 56:3-4.)

Additionally, there is no written County policy regarding the use of the midpoint as a benchmark for determining the appropriate density for a particular project. In fact, the only written County policy concerning a reference point of allowable density is in the Department of Regional Planning Subdivisions and Zoning Interpretations and Procedures Manual. It explains that the maximum allowable density "represents a reference point for county decision-makers in

determining the appropriate level and intensity of development for the property.” (Department of Regional Planning Subdivisions and Zoning Interpretations and Procedures Manual, p. 144.) At the hearing, Chairman Modugno explained that he introduced the midpoint concept which was used in the City of Santa Clarita. (Transcript, p. 55:5-16.) However, there is no written policy articulating or requiring the midpoint as a standard in the County. Therefore, the midpoint density is not the only benchmark, but is merely one of the many factors to examine while determining the appropriate density for the intensity of development.

2. The Applicant has Agreed to Reduce Density and, Accordingly, Reduce Grading

Any project that proposes grading exceeding 100,000 cubic yards of combined cut and fill requires a CUP. The Project before the Commission proposed approximately 2.3 million cubic yards combined cut (1,160,000 cubic yards) and fill (1,160,000 cubic yards), which the Applicant proposed to balance on site. While these grading amounts already reflect a reduction of 500,000 cubic yards from the Applicant’s original proposal, the Applicant has agreed to redesign the Project, which will include reduced density and, accordingly, reduced grading. The grading will further be reduced if the Project’s proposed private driveways and fire lanes are narrowed to a paved width of 24 feet provided that such width meets the County’s applicable safety and access requirements. (See Area Plan, IV-7; County Code § 22.44.122.5.a.) The redesign will seek to further reduce grading and impacts related to grading.

Staff testified before the Commission that Staff has issues with the quantity of grading (Transcript, p. 58:20-21), and the Staff Report arbitrarily concluded that the Project’s grading will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project site resulting in the Project’s failure to meet the burden of proof. (Staff Report, pp. 12-13.) Staff did not point to any standards or benchmarks in reaching this conclusion and did not compare the Project to other recently approved projects. Moreover, Staff overstated the Project’s disturbance of the Property’s hilltops, ridgelines, and 50 percent or greater sloped areas. Staff merely pointed out at the hearing where the disturbance would occur but did not articulate any threshold or standard used to draw conclusions. This lack of any standard or comparison is the hallmark of arbitrary and capricious decision-making. Accordingly, VTTM Finding 18 and CUP Finding 18 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support. Moreover, the conclusions reached in these two Findings create a right to neighboring property owners to unaltered views of surrounding property. This creates a burden of proof that cannot be met because any development of vacant property would change “unaltered vistas.” This is a dangerous precedent for the County to set.

Evidence was provided to the Commission that the Project would not be materially detrimental to the use, enjoyment, or valuation of property or other persons located in the vicinity of the site. The Project proposed to maintain the major east-west ridgeline across the center of the Property and the prominent hill, which are visible from off the Property. The home sites were strategically clustered to reduce impacts to the hilltops and ridgelines. Indeed, home sites along the south side of the major east-west ridge would be approximately 45 to 200 plus feet lower than the ridge, while pads on the north side of the ridge would be approximately 52 to 200 plus feet lower than the ridge. The Project also would strictly comply with the Hillside

Grading Ordinance. Moreover, the Project's proposed grading compared favorably to other projects recently approved by the Commission. (See Response to Staff Report, Attachment 3, p. 20.)

Notwithstanding, the Applicant has agreed to redesign the Project in coordination with Staff and the Town Council and the redesigned Project will reduce grading.

3. The Applicant Will Consult with Regional Planning Staff and the Town Council Regarding Clustering

As part of the Applicant's agreement to redesign the Project, which will include reduced density, the Applicant will modify the clustering in consultation with Staff and the Town Council.

Staff expressed concern at the Commission with the "idea of clustering and [whether this Project] is a clustered project." (Transcript, p. 58:21-22.) VTTM Findings 19 and 20 and CUP Findings 19 and 20 concerning clustering are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support. The evidence at the Commission supports a finding that the Project before the Commission proposed clustering consistent with the CSD and Area Plan policies regarding clustering.

The CSD provides that residential lots shall contain a gross area of not less than 2.5 acres; however, clustering is permitted in accordance with the Area Plan for projects located in hillside management areas provided that no lots contain less than 1.5 gross acres. (County Code § 22.44.122.7.) The member of the Town Council expressed concern with 1.5 acre lots at the Commission hearing. (Transcript, pp. 63:13-18, 64:13-16, 66:9-10.) However, consistent with the CSD, the Project proposed clustering with no lots less than 1.5 gross acres.

The Project's proposed clustering was also consistent with the Area Plan. The Area Plan contains a policy stating that "[r]esidential density designations in the Antelope Valley should be considered as average density for the total proposed development site to promote clustering, the provision of open space and the avoidance of hazardous lands." (Area Plan, VI-2.) Clustering is defined in the Area Plan as "the rearrangement of units allowed within a single land use classification on a project site." The Area Plan further states that "clustering from steeper slopes to more gently rolling level land is encouraged as a means of preserving the natural terrain, minimizing grading and reducing exposure to natural hazards." (Area Plan, VI-23.) Similarly, the Area Plan's natural resource policy statement provides that the Area Plan shall "[e]ncourage clustering of residential uses on the flatter lands within hilly and mountainous areas to minimize grading and to preserve natural terrain." (Area Plan, V-17.) In accordance with the Area Plan policies, the proposed home sites were strategically clustered to reduce impacts to the steeper sloped hilltops and ridgelines.

Moreover, the Project complies with the CSD and Area Plan while providing open space that totals approximately 212.1 net acres, which is 79.4 percent of the overall Project area and well in excess of the minimum 70 percent required. (See Section III.C.4.) Accordingly, contrary to VTTM Finding 20 and CUP Finding 20, the Project satisfies the requirements for density-controlled development.

Notwithstanding, the Project redesign will modify the clustering consistent with the CSD and Area Plan and in consultation with Staff and the Town Council.

4. The Applicant Will Modify the Vineyard Element of the Project Consistent with the Board's Guidance

As part of the Applicant's agreement to redesign the Project, the Applicant will modify the vineyard element of the Project consistent with your Board's guidance concerning the use of vineyards as open area and in consultation with Staff and the Town Council.

As part of the requirements for a CUP for non-urban hillside management, a minimum of 70 percent of the Project site must be set aside as natural or open area. The Project presented to the Commission proposed to maintain 79.4 percent – 212.1 acres – of the Property as open or natural area, including 94 acres of vineyards. The open areas would include equestrian and hiking trails, horse staging areas, rest areas, and valley overlooks. Contrary to VTTM Findings 16, 17, and 27 and CUP Findings 16, 17, and 27 the open space area in the proposed Project is consistent with the County's General Plan, the Area Plan, and the County Code including the CSD. Therefore, VTTM Findings 16, 17, and 27 and CUP Findings 16, 17, and 27 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

In denying the Project, the Commission requested guidance from your Board as to whether the County has discretion to determine whether vineyards are appropriate as an open area set aside. As Chairman Modugno stated:

I think as this goes to the Board of Supervisors on appeal of the denial then we'll get some sentiment from the Board of Supervisors. And I think there is a policy question on that in terms of use of open space and I think that's really beyond our land use sort — sort of purview because that does set a huge precedent.

(Transcript, p.135:2-8.) For the reasons discussed herein and included in the Applicant's Response to Staff Report (Attachment 3), it is within the County's discretion to determine that the vineyards are appropriate as an open area set aside. We respectfully request that the Board consider whether vineyards are appropriate as open area.

a. *The County Has Discretion to Determine Whether a Vineyard is Appropriate as an Open Area Set Aside*

Your Board has discretion to determine whether vineyards are an appropriate open area set aside. The General Plan and the County Code provide the County with discretion to determine acceptable natural and open area uses. Thus, the relevant determination for the Board is whether it believes it is good policy to permit the vineyards in the Project's natural and open areas. Given that the Project is located in a "rural agricultural area," including an agricultural element is consistent with the local community and allows the Board to make such a determination.

- (1) The General Plan Gives the County Discretion to Determine that the Vineyards are Appropriate in the



## Open Area Set Aside for Non-Urban Hillside Management Areas

The County has discretion to determine whether vineyards are appropriate as an open area set aside. Pursuant to the Natural or Open Area Standards for non-urban hillside management areas, “a minimum of seventy percent (70%) of a project site shall be retained in a natural or open condition.” (General Plan, III-67.) Subject to approval by the decision-maker, required open areas may include:

common open space for passive recreation; areas graded for rounding of slopes to contour appearance; areas of scenic beauty; hiking, riding and bicycling trails; areas cleared for fire suppression and landscaped areas adjacent to streets and highways.

(*Id.*)

The Natural or Open Area Standards give the County discretion to determine whether vineyards are appropriate as an open area set aside. The list is not exhaustive as it states that “open areas *may include*” the specific uses described above. The use of the phrase “may include” indicates that the list that follows is not exclusive but illustrative. It necessarily follows that additional uses that are not specifically listed may also be designated as open area. Moreover, vineyards fit within several of the categories that constitute open area. For instance, some of the Project’s vineyards would be planted on graded slopes and thus qualify as “areas graded for rounding of slopes.” Additionally, the Project’s vineyards can also be considered “landscaped areas.” Thus, subject to the County’s approval, the use of vineyards in open areas of the Project site is permissible and consistent with the General Plan’s Natural or Open Area Standards for non-urban hillside development management projects.

### (2) The County Code Gives the County Discretion to Determine that the Vineyards are Appropriate in the Open Area Set Aside for Non-Urban Hillside Management Areas

The County Code, which implements the General Plan’s open area policy for non-urban hillside residential developments, likewise states that “open space shall comprise not less than ... 70 percent of the net area of a residential development in a non-urban hillside management area.” (County Code § 22.56.215.J.1.a.) Subject to the approval of the decision-maker, such open areas may include one or more of the following:

- i. Undisturbed natural areas,
- ii. Open space for passive recreation,
- iii. Private yards, provided that certain construction rights are dedicated,
- iv. Parks and open recreational areas,
- v. Riding, hiking and bicycle trails,
- vi. Landscaped areas adjacent to streets and highways,
- vii. Greenbelts,

- viii. Areas graded for rounding of slopes to contour appearance,
- ix. Such other areas as the hearing officer deems appropriate.

(*Id.*) The Code further states that “[w]here appropriate, a plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the hearing officer.” (County Code § 22.56.215.J.1.b.)

As with the General Plan, the County Code expressly gives the County discretion to determine whether vineyards are appropriate as open area set asides. A project’s open area “may include” those areas listed in the Code, or may include areas not specifically listed, as the list is not exhaustive. This is made particularly clear by the last provision, which states that open areas may include “such other areas as the hearing officer deems appropriate.” Under this last category, the County clearly has discretion to consider what types of uses can serve as open area in non-urban hillside management areas.

In addition to the open area examples listed in the General Plan, the County Code includes additional examples that can encompass the Project’s vineyards. As the Staff Report acknowledges, the Project’s vineyards are “greenbelts,” which are generally understood to be belts of recreational parks, farmland or uncultivated land surrounding a community, and as such, are considered open area. Moreover, a portion of the vineyards will be planted in private yards, another recognized type of open area. Finally, the Code expressly acknowledges that open area may include landscaped common or open areas not left in a natural state. As such, the County would be well within its discretion to consider the Project’s vineyards open area within the meaning of the Hillside Management Ordinance.

b. *Including Vineyards as Part of the Project’s Open Area is Consistent with Open Space Policies*

Since the County has discretion to determine that vineyards are an appropriate open area use, the issue for your Board to consider is whether it is good policy to include vineyards as open area particularly in a location like Leona Valley which has an agricultural character. The General Plan’s treatment of open space demonstrates that agricultural uses are compatible with the Hillside Management Ordinance’s concept of natural and open areas. The Conservation and Open Space Element of the General Plan, which sets policy direction for the “*open space related resources*” of Los Angeles County, notes that these resources include “land and water areas devoted to recreation, scenic beauty, conservation and use of natural resources, agriculture, and mineral production.” (General Plan, II-2 (emphasis added).) The Conservation and Open Space Element further states that the “State of California declares that open space is necessary ... for the production of food and fiber.” (General Plan, II-2.) Additionally, it states that “[t]he open space emphasis addresses biotic resources, agricultural and mineral resources, major outdoor recreation, and public health and safety concerns.” (General Plan, II-2.) Clearly, agricultural uses, such as the Project’s proposed vineyards, are compatible with the policies fostering open space related resources.

The use of vineyards as open area is particularly appropriate for Leona Valley, which has a uniquely “rural, equestrian and agricultural character.” (County Code 22.44.122.) The CSD’s stated purpose is, among other things, to “protect the community’s unique appeal, including its

rural, agricultural character.” The Project’s vineyards will further the CSD’s goal of maintaining Leona Valley’s rural, agricultural character and will be a positive enhancement to the community without changing its character or spirit.

c. *Including Vineyards as Part of the Project’s Open Area is Consistent with the General Plan Requirements Regarding the Preservation of Agricultural Uses*

In addition to being consistent with open area requirements, the vineyard portion of the Project is further supported by the General Plan policies requiring the preservation of agricultural uses and the rural lifestyles associated with those uses. For instance, the General Plan seeks to ensure that development in non-urban areas, such as the Project site, “is *compatible with rural lifestyles*, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards.” (General Plan, I-21 (emphasis added).) More specifically, the General Plan requires that the Antelope Valley “[e]ncourage the continuation of agriculture.” (General Plan, I-32.) The Project’s vineyards are compatible with rural lifestyles and encourage the continuation of agriculture in the Antelope Valley, thereby furthering the policies of the General Plan.

The Project is also consistent with the General Plans’ General Development Policy Map. The General Development Policy Map recognizes “clustered rural communities and [seeks to] protect their character and life style.” (General Plan, I-54.) The General Development Policy Map further notes that non-urban open space “includes major public and private lands located in nonurban areas and used, or intended to be used, for open space purposes including outdoor recreation, resource production and preservation, and protection of health and safety” and seeks to “conserve areas for open space uses.” (General Plan, I-55.) The Project’s vineyards protect the character and lifestyle of Leona Valley and foster resource production in compliance with the General Development Policy Map.

Finally, the Conservation and Open Space Element of the General Plan classifies agricultural land – such as the Project’s vineyards – as open area. Specifically, Table 2.1 of the Conservation and Open Space Element, entitled Open Lands in Los Angeles County by Planning Area, includes vacant, agricultural and open space as “open land.” (General Plan, II-2.) The Conservation and Open Space Element further notes that in order to “provide for the future production of needed food supplies, there is a need to preserve lands where agriculture (including grazing) is economically viable or which have a high potential based on the presence of prime soils.” (General Plan, II-16.) Finally, the Conservation and Open Space Element seeks to “[p]reserve significant agricultural resources areas and encourage the expansion of agricultural activities into under-utilized lands.” (General Plan, II-27.) The Project site is just the type of land that should be utilized for agricultural activities. Consistent with these policies, the Project integrates agricultural elements into a low density residential design.

d. *There is No Legal Requirement that Open Areas Be Contained in Dedicated Open Area Lots*

The Project proposed approximately 155 acres of the Project’s open area to be contained within individual single-family lots. Staff stated that it believes the Project’s open areas are best

protected when dedicated in separate fee lots. (Staff Report, p. 9.) However, as confirmed in VTTM Finding 17 and CUP Finding 17, there is no legal requirement that open areas be set aside in fee and may be provided within individual private lots. The County Code simply requires that open area is dedicated to perpetual uses as open area. Specifically, the Code states that open space may include “[p]rivate yards, provided that certain construction rights are dedicated.” (County Code 22.56.215.) The General Plan likewise notes that “commitment of [open space] lands to long term open space use is typically assured through deed restrictions or dedication of construction rights, secured at the time of development permit approval.” (General Plan, III-53.) The Applicant’s proposal to include the vineyards as open area through the dedication of easements complied with both the County Code and the General Plan. Therefore, VTTM Finding 17 and CUP Finding 17 stating that County policies and practice support the provision of such open area in separate lots and, therefore, the Project as proposed does not satisfy the General Plan or County Code, is unfounded and arbitrary and capricious.

5. The Project’s Proposed Open Area Includes an Extensive Trail Network

VTTM Finding 28 and CUP Finding 28 incorrectly state that the Project is inconsistent with the Area Plan because the Project proposes to remove a purported existing open space resource (dirt path) along the Property’s ridge tops. Hikers, off-road vehicles, and equestrians trespass across the Property over a number of loosely defined paths including those along the ridge tops. No evidence suggests that these dirt paths are part of any public trail system, and the Applicant made it clear to the Commission that no public easements over such paths exist. Yet Staff characterizes these paths as existing public amenities.

What the evidence does support is the conclusion that the Project’s proposed trails and trail amenities are consistent with the Area Plan policies of implementing a regional system for both hiking and equestrian use, including accommodating trail needs within and between developments. (Area Plan, V-2.) Publicly accessible equestrian and hiking trails will be provided throughout the Property, adding an important link to the local trail system. The Project would dedicate three miles of trails to the Department of Parks and Recreation, include a 20-foot wide easement for the Leona Valley Loop (Regional) Trail, a multi-purpose trail along 87th Street West continuing along the northern Property boundary to the east and along Bouquet Canyon Road, and a trail alignment for the Granite Mountain Trail. The Applicant had also agreed to increased trail amenities on the Property requested by the Department of Parks and Recreation including view spots / rest areas, a hitching post, and benches. There would also be approximately five miles of bio-swailes adjacent to the private driveways and fire lanes in the Property that would be accessible to the public for walking and equestrian uses.

VTTM Finding 28 and CUP Finding 28 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

6. The Applicant Agreed, Prior to the Commission Hearing, to Redesign the Wastewater Treatment System Consistent with Staff’s Concerns

VTTM Finding 21 and CUP Finding 21 incorrectly find that the Project site is not adequately served by public facilities based on the erroneous assumption that the onsite wastewater treatment systems are proposed to be maintained by a homeowners association.



VTTM Finding 21 and CUP Finding 21 are contrary to the evidence before the Commission because, as presented to the Commission, the Applicant agreed with Staff long ago that the wastewater treatment system would not be maintained by a homeowners association. Instead, the Applicant in consultation with the relevant County Departments and the RWQCB has proposed and received agreement that the wastewater treatment system be maintained by a Community Services District or other similar public or private entity approved by the County. Accordingly, VTTM Finding 21 and CUP Finding 21 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

7. The Applicant has Agreed to Redesign the Private Driveways and Fire Lanes Consistent with Staff's Concerns

As part of the Applicant's agreement to redesign the Project, the Applicant agreed to modify the width of the private driveways and fire lanes provided the Fire Department and Department of Public Works are agreeable to narrower paving.

Regardless, the Project's private driveways and fire lanes are consistent with the Area Plan and the CSD. Other than 87th Street West, the Project as currently designed does not propose public local streets to be maintained by the County, but rather was designed to include private driveways and fire lanes with a paved width of 36 feet. The private driveways and fire lanes were developed in consultation with the Department of Public Works and Fire Department, and it had been the Applicant's understanding that these Departments required wider paving, rather than the 24 feet provided for in the Area Plan and the CSD. An additional width requirement is consistent with the Area Plan and the CSD because, pursuant to the CSD, the maximum paved width of 24 feet is not an absolute requirement, but instead provides an acknowledgment that safety and access must be taken into account when designing an appropriate street width. (County Code § 22.44.122.5.a.) Comments received from the Fire Department after the first Subdivision Committee meeting indicated a required paved width of 36 feet. Presumably, safety and access issues were taken into account when that requirement was imposed. Over four years of processing, four Subdivision Committee meetings have occurred, and yet Staff has never disagreed with the Fire Department and raised this issue until the Staff Report.

Further, the Area Plan and the CSD both encourage street design that excludes curbs, gutters, and sidewalks. Consistent with both the CSD and the Area Plan, the private driveways and fire lanes do not include curbs, gutters, or sidewalks.

However, if the Fire Department and Department of Public Works are agreeable to narrower paving, the Applicant has agreed to reduce the paved width of the private driveways and fire lanes, as suggested by Staff, to a width that is determined to meet applicable safety and access requirements.

Therefore, VTTM Finding 25 and CUP Finding 25 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory, and lack evidentiary support. It is an abuse of discretion to find that the Project's street widths do not comply with the CSD when that width was requested by the Fire Department.

8. Topographic Conditions Require the Project's Street Frontage Design

As currently designed, the Project includes some lots with a street frontage narrower than the standard requirements. The County may modify the frontage requirements pursuant to County Code Section 21.24.040

where it finds that topographic conditions, title limitations, or the pattern of ownership or the state of development of parcels in the immediate vicinity of a division of land make the strict application of the provisions of these sections impossible or impractical and that the public health, safety and general welfare will not be adversely affected thereby.

Contrary to VTTM Finding 26 and CUP Finding 26, there was evidence presented in the record to satisfying the required findings of County Code Section 21.24.040. Because of the topography of the Property and the clustering of the Project design, strict application to the street frontage standards is impractical. Additionally, the reduction in street frontage would not adversely affect the public health, safety, and general welfare. Therefore, VTTM Finding 26 and CUP Finding 26 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory, and lack evidentiary support.

9. The Project Would be Designed to Comply With the Minimum Required Net Lot Area

Contrary to VTTM Finding 28 and CUP Finding 28, the Project would comply with the minimum net area required by the applicable zoning. VTTM Finding 28 and CUP Finding 28 state that the minimum required net area for each lot is 60,000 square feet; however, neither the Findings nor the Staff Report explain the 60,000 square feet net area number. The required net area is provided for in County Code Section 22.52.100, which provides for a minimum required lot area of 40,000 square feet, not including easements. As required by County Code Section 22.52.100, the Project would be designed so each lot has 40,000 square feet of net area that is unencumbered by easements.

Therefore, VTTM Finding 28 and CUP Finding 28 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

10. The Project Would be Designed to Demonstrate Creative and Imaginative Design, Resulting in a Visual Quality that Will Complement Community Character and Benefit Current and Future Community Residents

While the Project before the Commission was designed to demonstrate creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents, the Applicant has agreed to redesign the Project to address Staff's and the Town Council's concerns. As part of the Applicant's agreement to redesign the Project, the Project will maintain a creative and imaginative design, which will result in a visual quality that will complement community character and benefit current and future community residents; however, to satisfy Staff's concerns some of the current creative and imaginative design feature may be lost.

VTTM Finding 22 and CUP Finding 22 found that the Project lacks creative and imaginative design because the Project fails to meet the 70 percent required open area and is not sufficiently clustered. However, as discussed above, the Project as designed proposes to maintain 79.4 percent of the Property as open space and uniquely integrates agricultural elements into a low density residential design. In addition, contrary to VTTM Finding 22 and CUP Finding 22 the proposed Project has been strategically designed to cluster the building sites to reduce impacts to the hilltops and ridgelines and increase the natural and open areas on the Project site.

Furthermore, the Project as currently proposed would result in an innovative, green, cutting edge community. The Project would be a model for sustainable and low impact development in the County. The Project would enhance Leona Valley's environment and infrastructure by utilizing the pilot Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) methodologies. The Project would implement LID techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retentions systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project's environmental footprint. The Project would advance alternative wastewater management practices such as lot specific advanced wastewater treatment systems (ATS) and Evapotranspiration/Infiltration 7351bg (ET/I) areas. Through the use of these features, the Project would manage on-site all of the stormwater that falls on the Property as well as any wastewater generated by the individual homes.

As these extensive creative and imaginative design elements demonstrate, VTTM Finding 22 and CUP Finding 22 are based on misrepresentations, inaccuracies, and incomplete information, are therefore conclusory and lack evidentiary support.

#### **IV. CONCLUSION AND REQUEST**

The Applicant has acted in good faith and expended hundreds of thousands of dollars on preparation of technical documents for the MND and the proposed Project. The Project is an innovative and unique rural residential community in the Leona Valley community. As proposed, the Project complied with the General Plan, the Area Plan, and the County Code including the CSD. Notwithstanding, the Applicant has agreed to redesign the Project in consultation with the Staff and Town Council.

Pursuant to County Code Section 22.60.250, the Applicant respectfully requests that your Board refer this matter back to the Commission for further proceedings with instructions to finalize the environmental review, to allow the Applicant additional time to redesign the Project in consultation with Staff and the Town Council, and guidance as to whether vineyards are appropriate in the open area.





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COUNTY OF LOS ANGELES  
REGIONAL PLANNING COMMISSION

IN RE: )  
 )  
PROJECT NO. TR066952-(5), )  
 )  
VALLEY VINEYARDS, LLC. )  
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REPORTER'S TRANSCRIPT OF VIDEOTAPED PROCEEDINGS

Los Angeles, California

Wednesday, June 29, 2011

Transcribed by:  
LAURIE HELD-BIEHL  
CSR No. 6781  
RPR/CRR No. 32836  
JOB No. 303814

1 COUNTY OF LOS ANGELES  
2 REGIONAL PLANNING COMMISSION  
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4 IN RE: )  
5 )  
6 PROJECT NO. TR066952-(5), )  
7 VALLEY VINEYARDS, LLC. )  
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15 REPORTER'S TRANSCRIPT OF VIDEOTAPED  
16 PROCEEDINGS, pages 1 through 137, proceedings  
17 dated Wednesday, June 29, 2011, transcribed  
18 Thursday, June 30, 2011, in Orange, California,  
19 by LAURIE HELD-BIEHL, Certified Shorthand  
20 Reporter No. 6781, Registered Professional  
21 Reporter, Certified Realtime Reporter  
22 No. 32836.  
23  
24  
25

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2 APPEARANCES:

3

4 Regional Planning Commission:

5

6 COMMISSIONER PAT MODUGNO, CHAIR

7 COMMISSIONER ESTHER L. VALADEZ, VICE CHAIR

8 COMMISSIONER DAVID W. LOUIE

9 COMMISSIONER HAROLD V. HELSLEY

10 COMMISSIONER CURT PEDERSEN

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1 Wednesday, June 29, 2011

2 Los Angeles, California

3 9:00 a.m.

4

5 CHAIRMAN MODUGNO: Call the meeting to order of  
6 the Los Angeles Regional Planning Commission. Begin  
7 with the Pledge of Allegiance this morning lead by  
8 Commissioner Louie.

9 (Pledge of Allegiance.)

10 CHAIRMAN MODUGNO: Thank you. And let me extend  
11 our welcome to you this morning.

12 If you have not already done so, there are  
13 pink agendas in the back of the room. If you wish to  
14 speak on any item on the agenda this morning, there  
15 are also speaker slips; please fill them out and hand  
16 them to the staff person in the back of the room.

17 If you have a cell phone or a pager with  
18 you, if you'll please either turn it off or put it  
19 into a vibrate mode.

20 (Various other Commission business  
21 attended to.)

22 CHAIRMAN MODUGNO: We now turn to public  
23 hearings. The first item on the agenda this morning  
24 is Project TR0660952-5 in the Leona Valley.

25 Before we have the staff report I'm going to

1 ask County Counsel to comment on this, the reason  
2 being there have been a number of issues raised by  
3 the Applicant in terms of due process on the case,  
4 whether the case is ready for the Commission to -- to  
5 hear. And so I'd like County Counsel to first  
6 comment on that.

7 COUNTY COUNSEL: There have been a number of  
8 concerns raised about due process issues. And after  
9 reviewing these concerns and staff's work on the  
10 matter, I -- I believe that the hearing can properly  
11 be held today and the Commission can take action  
12 consistent with the staff's recommendation if the  
13 Commission so chooses.

14 The Applicant has been given ample time and  
15 notice of staff's concerns related to the project.

16 The Applicant and the community have been  
17 given sufficient notice of the public hearing.

18 As the Commission indicated several months  
19 ago, it would be continued to sometime in June, and  
20 then notice was provided, you know, 30 days ago,  
21 regarding -- mailed notice and published notice was  
22 provided, as well as the site was posted, to give the  
23 community and the Applicant notice that you would be  
24 conducting this hearing today.

25 And today will provide the Applicant and the

1 community the opportunity to be heard regarding their  
2 concerns or positions on this project.

3 CHAIRMAN MODUGNO: All right. Thank you.

4 We now turn to staff report. Mr. Sackett.

5 MR. SACKETT: Yes. Thank you, Mr. Chair and  
6 Commissioners.

7 If I could have the first slide, please.

8 My name is Jodie Sackett, and I am a Senior  
9 Regional Planning Assistant with the Department of  
10 Regional Planning.

11 Item number 6 on today's agenda is Project  
12 Number TR 066952-5, which is known as the Valley  
13 Vineyards Subdivision Project. The project proposes  
14 117 single family lots, 2 private street lots and  
15 1 water tank lot on 292 acres.

16 There is a Conditional Use Permit proposed  
17 for hillside management in a non-urban area, density  
18 control development, onsite project grading in excess  
19 of 100,000 cubic yards of combined cut and fill  
20 material, and a proposed wastewater treatment  
21 facility.

22 The project is located near Bouquet Canyon  
23 Road and 87th Street West in the Leona Valley  
24 Standards District and the Fifth Supervisorial  
25 District of Los Angeles County.

1           The existing site consists primarily of  
2 vacant hillside terrain that has variable slopes.

3           And on the right-hand side or the right  
4 screen you can slowly cycle through some photographs  
5 of the existing project site. We have 13 photos that  
6 depict the existing condition of the subject  
7 property, mainly including vegetation. And just an  
8 idea to give an example of the terrain elevations.

9           And then there are two photos at the end.  
10 And these photos were also provided to your  
11 Commission in a -- in the previous supplemental  
12 package. The two -- the two last photos show the  
13 surrounding terrain from two points along the top of  
14 an existing ridgeline that is on the property.

15           There are approximately 150 acres of steeper  
16 slopes exceeding 25 percent of cut and fill material.

17           As I mentioned, the site primarily consists  
18 of sparse vegetation and scrub brush. And there is a  
19 dirt trail along the ridgeline that runs through the  
20 property.

21           Next slide, please.

22           More details about the project that is being  
23 proposed.

24           Single family lot sizes range between  
25 1-and-a-half and 10-and-a-half acres, with an average

1 lot size throughout the project of 2-and-a-half  
2 acres.

3 Approximately 79 percent of open space  
4 proposed within the project within the single family  
5 lots.

6 There is also proposed 122 acres of a  
7 commercial vineyards within the open space and single  
8 family lots.

9 There are gated private streets proposed,  
10 with 36 feet of paved width.

11 With the Conditional Use Permit, the waste  
12 treatment facility, there is a combined septic and  
13 wastewater treatment system.

14 There is a trail realignment and dedication  
15 along the property line and the public roads.

16 There is a water tank that is proposed in  
17 the southwest corner of the property.

18 And more information on the grading;  
19 approximately 2.3 million cubic yards of combined cut  
20 and fill grading to be balanced on the project site.

21 Next slide, please.

22 This is a very brief summary of staff's  
23 analysis regarding the project design. And what I'd  
24 like to do is go to Exhibit 2, which is already shown  
25 on the right-hand screen.



1           Staff's analysis on the project design can  
2 be found in more detail in the staff report as  
3 indicated on the slide in yellow. Pages 10 through  
4 14, if you wanted to follow through with the staff  
5 report.

6           First, please call your attention to the  
7 pink line drawn on the map that is depicted on the  
8 right-hand screen. It is approximately located in  
9 the center of the screen on the map. This represents  
10 the trajectory of the ridgeline that exists on the  
11 property.

12           Located along the ridgeline are seven  
13 hilltops, circled in red and highlighted in yellow,  
14 which form the ridgeline on the property. Shown from  
15 left to right the hilltops are numbered 1 through 7  
16 on the map. And those numbers are in pink.

17           Next, please call your attention to the  
18 areas colored in blue, which show seven proposed  
19 residential lots that are grading into the ridgeline  
20 at or near its crest, and in some instances at or  
21 over the hilltop. From left to right these lots are  
22 numbered 67, 99, 100, 34, 40, 39 and 7.

23           Next, please call your attention to the lots  
24 that have been highlighted in orange. These are  
25 single family lots that staff has identified most

1 greatly impact the site slopes that are 50 percent or  
2 greater. In addition to the seven lots just  
3 identified as affecting the ridgeline, there are nine  
4 additional lots numbered, from left to right on the  
5 map, and these numbers are in orange, lots 55, 101,  
6 94, 42, 43, 45, 19, 18 and 5.

7           And lastly, please call your attention to  
8 the green line drawn on the map which highlights the  
9 proposed multi use trail and trail alignment. The  
10 purpose of highlighting this trail is to show the  
11 location difference between the proposed trail and  
12 the existing dirt trail which, in its most prominent  
13 spots, follows much of the ridgeline trajectory that  
14 is marked in pink.

15           In conclusion, the main purpose of Exhibit 2  
16 has been to show that the current project is  
17 considerably affecting the existing ridgeline since  
18 it is grading on top of, into or adjacent to six of  
19 the seven hilltops which form the ridgeline on the  
20 subject property.

21           And staff should also note that the project  
22 is not proposing grading near hilltop number 3, which  
23 is located approximately in the middle of the map,  
24 along the pink line, nor is there any grading  
25 proposed near the spur that is marked number 8 that

1 exists in the southwest corner of the subject  
2 property.

3 So with regards to bullet point number 1 on  
4 the slide presentation, this is one of the main  
5 reasons why staff believes that the density of the  
6 project, at 117 lots, and the footprint of the  
7 project, in other words, its design, are  
8 inappropriate given the type of terrain.

9 And if we can go to Exhibit Number 3,  
10 please. Okay.

11 Do we have anyway we can zoom in a little  
12 bit on that?

13 That's good. Go one bit back. There we go.  
14 That's fine. Thank you.

15 Okay. The purpose of Exhibit 3, we have two  
16 examples of open space lot dedication and clustering  
17 for non-urban hillside management projects. This  
18 first example that we have shown was approved by your  
19 Commission in December 2008. It is tract 066561, a  
20 proposal for 29 single family lots on 82 acres in  
21 Santa Clarita Valley.

22 In this exhibit please note that the single  
23 family lots, which are shown in a light tan color,  
24 are clustered together to the minimum area allowed by  
25 the zoning, with 88 percent of the site and steep

1 hillsides preserved, in separate fee open space lots,  
2 which are shown in the olive green color to the  
3 north.

4         The second example, if we can move to the  
5 second map, approved by your Commission more  
6 recently, in March 2010, is tract 064989, a proposal  
7 for 24 single family lots on 28 acres in the  
8 Unincorporated Antelope Valley.

9         In this exhibit, please note the single  
10 family lots indicated in white clustered together  
11 with most at or near the minimum lot area allowed by  
12 the zoning, with 72 percent of the site and all steep  
13 hillsides preserved in six separate fee open space  
14 lots.

15         In conclusion, the main purpose of Exhibit 3  
16 has been to show recently approved non-urban hillside  
17 projects that cluster residential lots and dedicate  
18 open space in appropriate manners consistent with the  
19 standing County practice on such types of projects  
20 that are proposing hillside management and density  
21 controlled development.

22         So the bullet point 3 on the presentation,  
23 staff's conclusion in the staff report is that there  
24 will be considerable hillside -- hillside and  
25 ridgeline impacts and that they should be reduced.

1           Next slide, please.

2           Regarding the open space and commercial  
3 vineyards, commercial vineyards are proposed  
4 throughout the private residential lots and into the  
5 required open space for hillside management.

6           As this is a hillside -- a non-urban  
7 hillside management project, the project is required  
8 to dedicate a minimum of 70 percent of the project  
9 site for open space; however, 122 acres of the open  
10 space dedicated for vineyards may not count towards  
11 the required open space, leaving only 98-and-a-half  
12 acres of open space remaining, or 38 percent, which  
13 is inadequate for non-urban hillside management and  
14 does not meet the General Plan requirements for  
15 hillside management developments, nor does it meet  
16 the requirements of the Conditional Use Permit.

17          Regarding net area and easements, easements  
18 are currently proposed for commercial vineyards,  
19 trails and wastewater treatment facilities; however,  
20 the project net area calculations that have been  
21 given to staff do not show that minimum net lot area  
22 requirements are met after all of these easements  
23 have been deducted.

24          Regarding the proposed wastewater treatment  
25 facility, the Applicant has proposed a private septic

1 system that also treats wastewater and reuses the  
2 water for irrigation throughout the site. This  
3 non-standard system is a collective system that has  
4 some of the similar functions as a public system and  
5 that requires higher maintenance standards. And that  
6 was briefly touched upon in staff's report.

7 I think their additional concerns with this  
8 is that the septic system crosses private lot line  
9 boundaries, whereas a public system is required -- in  
10 order for -- to have a public treatment system you  
11 need to have the easements going through public  
12 streets and areas that can have public access and be  
13 publicly maintained; so if there are -- if the  
14 Commission has additional questions about that, we  
15 have Public Works here who can respond.

16 Next slide, please.

17 Trails.

18 Go back one. Thank you.

19 Staff did receive an updated report from the  
20 Department of Parks and Recreation on June 21st that  
21 added some conditions for extra trails amenities.  
22 Regional Planning supports the added amenities but  
23 these amenities would require a revision to the  
24 tentative map. And there was also the issue that the  
25 amenities do not address the existing dirt trail that

1 is being used along the ridgeline.

2 Next slide, please.

3 Okay. So to wrap up the staff analysis, in  
4 2009 the Applicant did submit a redesign of the  
5 project which reduced the density from 121 single  
6 family lots to 117 single family lots. And they did  
7 reduce the grading from approximately 2.8 million  
8 cubic yards of material to 2.3 million cubic yards.  
9 And they also did some rounding of the -- of the  
10 grading along many of the building pads; however,  
11 staff does not feel that this redesign was enough to  
12 address the issues related to the design of the  
13 project and the impacts to the hillsides.

14 In addition, private streets with  
15 roundabouts and bio-swailes are good concepts but in  
16 this case they're utilized inappropriately since  
17 there are issues -- or there are situations where the  
18 private streets are also impacting the hillsides  
19 similar to the single family lots.

20 There are some concerns about the width of  
21 the private streets at 36 feet, that they are not  
22 maintaining a rural character.

23 And then there is also the idea of the  
24 private streets being gated, which also tends --  
25 tends against the rural character of the existing

1 community.

2           The advanced wastewater treatment system is  
3 a good concept regarding sustainability but it is  
4 deemed infeasible at this time due to the maintenance  
5 issues.

6           And lastly, the vineyards are a good concept  
7 and staff has received some positive comments on the  
8 viticulture aspect. But staff's -- staff's position,  
9 which is detailed in the staff report, is that the  
10 vineyard should be scaled back and on its own lot in  
11 order to help make maintenance easier. And also so  
12 the project can dedicate the sufficient amount of  
13 open space for hillside management.

14           Next slide.

15           Very briefly on the correspondence, this is  
16 not all inclusive, this is just intended to -- to  
17 give a summary.

18           We have received community letters from  
19 those opposed and concerned, approximately 54.

20           Just quickly, the main points on that  
21 related to the density of the project, traffic  
22 issues, street gating, hillside impacts, sewage and  
23 groundwater impacts, and cultural resource impacts.  
24 And these issues, of course, are discussed in more  
25 detail in the letters that have been provided to your



1 Commission. And also been -- been made available to  
2 the public on the Regional Planning website.

3 The community letters in support, staff has  
4 received 19, including a few E-mails. Again, as I  
5 mentioned, the positive viticulture aspect, the boost  
6 to the local economy with the development, the open  
7 space preservation. Some people view the open space  
8 aspect of the project as a positive. Fire hydrants,  
9 increased access, and additional trails.

10 Agencies supportive. Received a letter from  
11 the Quartz Hill Chamber of Commerce.

12 Agencies non supportive. Recently received  
13 a letter from the Santa Monica Mountains Conservancy,  
14 which has been provided to your Commission in an  
15 additional material package this morning.

16 Lastly, the Leona Valley Town Council has  
17 several concerns with the project related to its  
18 density, maintaining a rural character, the seismic  
19 safety, disturbance of view sheds and the trail  
20 alignment.

21 Next slide, please.

22 In conclusion, staff does not believe that  
23 the project has satisfied the General Conditional Use  
24 Permit burden of proof, Items A-2, B and C-2;

25 And these are outlined in more detail in

1 staff's report, pages 11 through 14.

2 That the project does not satisfy the  
3 Hillside Management CUP burden of proof, Items B  
4 and D;

5 That the project is inconsistent with  
6 General and Area Plans for non-urban hillside  
7 management, open space and rural development  
8 provisions related to;

9 That the project is inconsistent with the  
10 County Code for density controlled development and  
11 public street frontage waiver;

12 And repeated staff requests, from March 2008  
13 to March 2011, really since 2007, since the project  
14 started, asking for some of these -- or all of these,  
15 actually, for all of these items to be addressed,  
16 specifically related to the density of the project,  
17 how the open space is dedicated, reducing the grading  
18 and just having a better clustering project, to  
19 address these issues have not been heeded.

20 And so in conclusion, staff is recommending  
21 that the project be denied today.

22 And we have one final slide regarding the  
23 environmental review.

24 Although staff initially determined that a  
25 Mitigated Negative Declaration is required, because

1 staff is recommending denial of the project, the MND  
2 is not being proposed for Commission consideration or  
3 action at this time.

4 And if the Commission has any questions, I'd  
5 be more than happy to answer.

6 And this concludes my presentation. Thank  
7 you.

8 CHAIRMAN MODUGNO: Thank you, Mr. Sackett.

9 Any questions of staff?

10 Mr. Helsley?

11 COMMISSIONER HELSLEY: Yes.

12 One question in relation to the ridgeline  
13 characteristics of the Leona Valley, or the CSD.

14 Is that a specific item in this CSD?

15 MR. SACKETT: I know that the Town Council will  
16 be speaking to that, Commissioner.

17 I know that they have been trying to put --  
18 to add ridgelines to the CSD but currently they are  
19 not -- it's not part of the CSD --

20 COMMISSIONER HELSLEY: Okay.

21 MR. SACKETT: -- in terms of the -- having  
22 official designated significant ridgelines.

23 COMMISSIONER HELSLEY: They're not specifically  
24 identified?

25 MR. SACKETT: Correct.

1 COMMISSIONER HELSLEY: Cultural resources. Is  
2 there a map that has indicated areas of potential  
3 cultural resources within that area?

4 MR. SACKETT: Well, Commissioner, staff has  
5 received a couple of letters from -- from groups that  
6 are concerned that there -- that there may be  
7 cultural resources on the property.

8 I don't believe that there were -- in terms  
9 of the -- the environmental review, which has not --  
10 has not been completed, I don't believe that there  
11 were found to be any potentially significant impacts.  
12 But it's something that also the Town Council can  
13 perhaps speak to because they, of course, would have  
14 much more knowledge of the history of the project, or  
15 perhaps also the Applicant.

16 COMMISSIONER HELSLEY: Thank you.

17 CHAIRMAN MODUGNO: Other questions of staff?

18 All right. At this point in time we will  
19 open the public hearing. We'll be swearing in anyone  
20 in the audience who plans to speak to the Commission  
21 this morning on this item or any item on the agenda.

22 If you'll please stand and raise your right  
23 hand to be sworn in.

24 (Members of the public sworn in.)

25 CHAIRMAN MODUGNO: Be seated.

1           We will begin with the Applicant.

2           Here's the way we're going to follow this  
3 morning. The Applicant will be provided with  
4 15 minutes. The Town Council has requested some  
5 additional time; so following the Applicant I'm going  
6 to provide the Town Council with 5 minutes. And then  
7 we will begin taking general testimony from others  
8 who filled out speaker slips.

9           The -- there is a timer that sits on the  
10 table there, I have an identical one here. Each  
11 person who speaks will be provided with basically a  
12 different amount of time. The Applicant will be  
13 given 15 minutes, we'll provide 5 minutes for the  
14 Town Council. Other speakers will be provided with  
15 3 minutes. If there's opposition to the project, the  
16 Applicant will have a 10-minute rebuttal period.

17           You don't have to take all of your time but  
18 we do request that you confine your speaking to the  
19 time allotted.

20           You will each begin by stating your name.  
21 You don't have to state your address or any  
22 connections with the project; all of that has been  
23 put on your speaker slip. Once you've stated your  
24 name, the time will begin. 30 seconds before your  
25 time will end the green light will turn to an amber

1 light and at the conclusion of your allotted time the  
2 light will turn red.

3 And we'll begin now with either one of you  
4 may start with your name.

5 MR. GUTIERREZ: Thank you.

6 Good morning, Chairman Modugno and Members  
7 of the Commission. I'm Peter Gutierrez with Latham &  
8 Watkins and I'm here this morning representing the  
9 Applicant, Valley Vineyard. It's always a pleasure  
10 to be -- to be before you.

11 You know, I was here before you several  
12 weeks ago asking that this public hearing be  
13 continued because there were some issues that we were  
14 trying to resolve with staff. And we're going to  
15 talk about those issues throughout the course of our  
16 presentation. There are some department holds  
17 related with -- to the septic -- or not -- the onsite  
18 wastewater disposal system that are still  
19 outstanding.

20 And I think importantly back in March, staff  
21 came before you themselves to ask for a continuance  
22 because the Mitigated Negative Declaration was not  
23 ready to come before you.

24 And I think with respect to, for example,  
25 Mr. Helsley's question about cultural resources and



1 other questions that may come up today from the  
2 community, with respect to traffic and other -- other  
3 such topics, really, you know, without the  
4 environmental document it's really difficult or maybe  
5 even impossible for you to judge what the real impact  
6 is of those things.

7           Nevertheless, we're here today, staff wanted  
8 to proceed, and we're ready to make our presentation  
9 to you. We're going to tell you about all of the  
10 unique aspects of this project.

11           I've reviewed a lot of letters from the  
12 Town Council and members of the community. And folks  
13 say -- in Leona Valley say that they're essentially  
14 three things: They're rural, they're agricultural  
15 and they're equestrian. And I think what you're  
16 going to see as we go through this presentation, that  
17 this project blends all of these elements, plus  
18 sustainability.

19           I think you're going to see that while many  
20 projects and developers try to cut corners with  
21 low-impact development concepts, you're going to see  
22 that this project actually embraces sustainability in  
23 design and embraces low-impact development concepts.

24           We really don't believe that the staff  
25 report has, you know, fairly portrayed the project,

1 and especially in terms of what this project, you  
2 know, brings to the table in terms of its sustainable  
3 design.

4 And so with that, I'm going to turn it  
5 over to Mr. Bill Ford, who is the president of  
6 Lauren Development, and will get into the project.

7 MR. FORD: Members of the Planning Commission,  
8 thank you very much for your time. My name is  
9 Bill Ford. I have been in the development business  
10 for over 35 years, 25 of those years under the  
11 Lauren Development banner.

12 I formed Lauren Development with one goal in  
13 mind, and that is to create unique and innovative  
14 communities which enhance whatever neighborhood we  
15 are working in at any one time.

16 We specialize in one project at a time. We  
17 devote all of our time, energy and resources to that  
18 one project until it's completed; so we're not doing  
19 multiple things because we want to focus all of our  
20 attention and our efforts there.

21 And I have to say in my 35 years in this  
22 business, I've never been prouder of a project than I  
23 have of this one.

24 Let's turn the --

25 Every element of this development has a dual

1 purpose. The introduction of agriculture in the form  
2 of vineyards is a case in point. We already know  
3 that the two elements can co-exist. Anybody who's  
4 been to Napa Valley, Temecula, any of these places,  
5 can see that this is the case.

6 But by creating a dual/cross-purpose, my  
7 vision has always been that we can capture and  
8 recycle the water on this project and eventually use  
9 it to irrigate the vineyards. The cross-purpose is  
10 that the vineyards, in turn, will repay that support  
11 by offsetting homeowners' association fees, property  
12 taxes, et cetera.

13 This cross-purpose duality synergy between  
14 all the elements in this project are what that make  
15 this truly unique. One supports the other.

16 The vines have an added benefit of being  
17 extremely drought -- drought tolerant, excuse me, and  
18 require very little maintenance and create a  
19 beautiful backdrop to the surrounding area.

20 What we bring before you is a completely  
21 sustainable land design, something that has never  
22 been done in this County, something that has never  
23 been done in this state. Portions of it have been  
24 tried across the country but have never been done to  
25 this extent.

1           Imagine a community with no sewers, no storm  
2 drains, no concrete detention basins, no concrete  
3 curbs, gutters, sidewalks, no concrete driveways.  
4 Imagine a community where all water created by it is  
5 captured clean, reused without ever leaving the site.  
6 Imagine a community that takes its wastewater, cleans  
7 it to a high level of purity and then reuses it  
8 onsite for irrigation or for groundwater recharge.

9           Imagine a development that proposes to set  
10 aside four-fifths of its land for open space but at  
11 the same time is not asking or seeking any density  
12 bonuses, special concessions or anything more than  
13 current County Code allows.

14           What -- what we have done with this design  
15 and we have been able to engineer with this design is  
16 Valley Vineyards.

17           We scoured the country looking for new and  
18 innovative techniques for improved sustainability in  
19 land design and it is those features which we have  
20 added to link together within this plan that we are  
21 most proud. We firmly believe that this unique land  
22 plan could be a model for all future land plans to  
23 come and we would like to see the County take a lead  
24 in advancing these new and innovative Green elements  
25 for the future.

1           It starts with the capture of stormwater on  
2 each lot. Roofs drain not into streets but into  
3 cisterns and rain barrels. Excess water falls on the  
4 lot and drains into specially-engineered rain  
5 gardens. Hard surfaces are not allowed and are  
6 required to be permeable so that all water will  
7 percolate back into the soil.

8           Since we have no storm drains, any water  
9 that may leave a lot is then channeled into a series  
10 of bio-swales that line both sides of the streets  
11 within the community. This water is then channeled  
12 into roundabouts, which again serve a dual purpose:  
13 They calm traffic, they help prevent accidents, they  
14 aid in lowering emissions, carbon emissions, and they  
15 act as subsurface retention areas for this  
16 stormwater.

17           The bio-swales also have a dual purpose:  
18 They act as equestrian, biking, hiking trails  
19 throughout the community.

20           I'll throw it back to you.

21           MR. GUTIERREZ: Okay. One of the other  
22 sustainable features of this project is the advanced  
23 treatment system for wastewater on the site. What  
24 this system provides is that it will clean water  
25 98 percent cleaner than generated by conventional

1 septic systems.

2           And if you have any questions about the  
3 technical aspects of this system, our technical  
4 expert, Mr. Steve Grabin, is here, and he can answer  
5 any questions you might have.

6           But as I understand from the technical  
7 experts, the 117 houses in this development with this  
8 type of a treatment system would have the same impact  
9 as 4 houses on a conventional septic system. And so  
10 I think there's an issue been raised about the  
11 feasibility of this system, and I have not heard any  
12 County department say that technically this is not a  
13 feasible system.

14           I think there have been concerns raised  
15 about how it's going to be maintained. Originally,  
16 it was proposed that a homeowners' association  
17 maintain it but in discussions with Public Works and  
18 the Health Department we've gone away from that  
19 concept and now the concept is that the -- that  
20 either a private or a public entity, such as a -- a  
21 special district, could be formed to maintain this.

22           We're still in discussions with Health and  
23 Public Works over the details of how that maintenance  
24 will occur. And I think the devil is in the details  
25 when it comes to that maintenance.



1           But in terms of the feasibility, I think  
2   those staff reports suggest that it is not a feasible  
3   system. I think we need to work out the details of  
4   maintenance. But to my knowledge, no department, nor  
5   the Lahontan Regional Water Quality Control Board, up  
6   in this area, has ever said that the -- the system is  
7   not feasible.

8           Staff talked about trail enhancements. And  
9   just before the staff report went out, the Applicant  
10  was working with the Parks Department on enhancing  
11  the trail amenities. And in fact the Parks  
12  Department actually said that they were pleased with  
13  the Applicant's positive response to their requests.

14           The project will include the Leona Valley  
15  Loop Trail, a trail alignment for the Granite  
16  Mountain Trail.

17           And I apologize that this graphic really is  
18  not -- the color doesn't really stand out. But if  
19  you look on the lower left-hand portion of the -- of  
20  the -- of the graphic, you'll see sort of a green  
21  squiggly line and that represents the Granite  
22  Mountain Trail which I think folks in the -- in the  
23  community wanted to have a -- a connection there.  
24  There are also some rest areas there and benches.  
25  And an overlook as that trail goes up -- up the

1 hilltop there.

2           Also, along all of the street system --  
3 well, within the development, the bio-swales will be  
4 such that horses can be -- folks can ride their  
5 horses throughout the development; so even though  
6 it's a private development anyone in the community  
7 will be able to ride their horse throughout the  
8 development, linked from one side to the other,  
9 excuse me, and -- and use that as -- as part of a --  
10 of a -- of a trail system.

11           The -- I know staff talked about this sort  
12 of existing dirt path along the ridgelines. That is  
13 not a public trail, and I've not ever seen or heard  
14 anyone or staff suggest that it -- that it is a  
15 public trail. In fact, people that use that are --  
16 are trespassing. And so what we've done is we've  
17 created a system where there will be designated areas  
18 for -- for the equestrian users. And that's a --  
19 that's a huge amenity to -- to the community as we  
20 see it.

21           Excuse me. I'm sorry.

22           You heard staff mention the -- the width of  
23 the private driveways and the fire lanes. And  
24 staff -- we were actually criticized in the staff  
25 report for having a -- 36 feet of paved width.

1           You know, the first -- at the first  
2   subdivision committee meeting, Fire commented that  
3   they wanted 36 feet of paved width. But let me make  
4   something clear: We will reduce that width -- that  
5   paved width. But in our view we shouldn't be  
6   criticized for not meeting the plan, or the CSD, if  
7   we've designed this according to what the standards  
8   are that the Fire Department has requested.

9           Now, if -- if staff and Fire Department and  
10   Public Works are amenable to a narrower paved width,  
11   we'd love to work with them on that. But, you know,  
12   that, I think, is -- is Fire's call in terms of -- in  
13   terms of the width; so while -- we think it's unfair  
14   to criticize the -- the project for the width when  
15   we're following the directive of -- of the Fire  
16   Department.

17           And by the way, that 24-foot width in the  
18   CSD, it's not actually an absolute width. It says  
19   that it should be 24 feet, provided the width meets  
20   applicable -- applicable safety and access  
21   requirements; so, you know, that -- again, that's  
22   something we're willing to -- to work with staff on.  
23   I mean, that's another reason that we think that  
24   ultimately what we'd like to see is this -- is this  
25   hearing continued and we'd like to work on some of

1 these issues with -- with staff.

2           There was talk about the -- the natural and  
3 open area. You know, we really believe that your  
4 Commission has the discretion to determine whether or  
5 not a vineyard is an appropriate use in an open area  
6 setaside.

7           Staff is suggesting that vineyards cannot  
8 count as open area. I think that unduly limits your  
9 discretion. I think you do have the discretion to  
10 decide whether or not a vineyard is an appropriate  
11 use. I mean, it's -- it's analogous to a greenbelt  
12 or a landscaped area or an area graded for the  
13 rounding of slopes. It's -- it's really a policy  
14 decision on your part.

15           And we think that it really is a positive  
16 policy decision to -- to have vineyards in the open  
17 space because it really fits within the rural  
18 character of the community. It's -- it's unique. I  
19 think it hasn't been done but we need to -- I think  
20 it's something for you to really seriously consider.

21           Density. This project compares very  
22 favorably with other projects recently approved in  
23 terms of density. We're 15 percent below the maximum  
24 allowable density. Other projects recently approved  
25 were at max density, at 3 percent below max density.

1           And remember, we're not asking for a Plan  
2   amendment or a zone change. We're not asking you to  
3   increase the intensity that's allowed on the property  
4   and then try to get a higher density on top of that.  
5   We're saying -- we're working within the density  
6   that's allowed on the project site and we're  
7   15 percent below that density, very comparable to  
8   other projects.

9           We've clustered the -- the building sites  
10   because density-controlled development definition  
11   talks about concentrating dwelling units and keeping  
12   the remainder of the lots, excuse me, open and free  
13   of structures. And that's really the key here; so  
14   we've concentrated the building area so that we can  
15   have the remainder free.

16          I'd like to go ahead and go to -- back to  
17   Bill just to talk about outreach very quickly and  
18   then we'll wrap up, as 15 minutes of time goes faster  
19   than anybody ever expects.

20          MR. FORD: Thank you.

21          One of the -- one of the things we've always  
22   tried to do is reach out to the community. And we  
23   started attending Town Council meetings five years  
24   ago, before we even put pencil to paper. For five  
25   years we've attended every single Town Council

1 meeting to see and ascertain what the problems may  
2 be. I think we missed two because they were snowed  
3 in.

4 We've -- we've presented our project to the  
5 Town Council at their request, and at our request,  
6 over 18 times. We've submitted hundreds of documents  
7 and reports to the Town Council for addition to their  
8 website.

9 My only regret, sadly, is that after many,  
10 many attempts we were never granted the opportunity  
11 to meet with the Town Council or any designated  
12 committee to discuss any of the features or concerns  
13 that they may have.

14 But anyway, from those meetings we were able  
15 to determine what the problems may be.

16 We -- we added a lot of additional reports  
17 which are not before you. We changed the plans based  
18 on some of the outreach we received from the  
19 community. And we think we have gained some support.  
20 In fact, in the last 14 days you may have received a  
21 plethora of letters just -- we just asked in the last  
22 14 days for that, it hasn't been an ongoing campaign  
23 from us. I think it's 21 letters we got that are  
24 definitely in support.

25 There are -- of the 54 letters that staff

1 mentioned, there really are only about, I believe,  
2 18 that are opposed. The other ones had concerns.  
3 Those concerns were addressed by me in a letter back  
4 to them. And --

5 Oh, one thing I would like to say.

6 As of today, the Town Council has yet to  
7 make a formal disposition vote on this project.

8 CHAIRMAN MODUGNO: Yes. I'd like to cut you off  
9 there. We've gone a bit over.

10 MR. FORD: Thank you. I apologize.

11 CHAIRMAN MODUGNO: There may be questions so if  
12 you'd just --

13 MR. FORD: Please.

14 CHAIRMAN MODUGNO: Mr. Helsley.

15 COMMISSIONER HELSLEY: I realize that there's  
16 been a lot of preparation that's gone into this and  
17 so I would like to see the presentation time extended  
18 three minutes for them to wrap up their final  
19 conclusion.

20 CHAIRMAN MODUGNO: Well, he's got a 10-minute  
21 rebuttal.

22 COMMISSIONER HELSLEY: I realize that but I  
23 don't think they haven't presented it all. That's  
24 why I just wanted to make that request.

25 CHAIRMAN MODUGNO: How much additional time?



1 MR. GUTIERREZ: Just one minute to wrap -- if I  
2 could, just one minute to wrap up. And I  
3 appreciate -- I appreciate the additional time.

4 Let me just say in wrap up, and I appreciate  
5 that, we have a slide up now that shows some of  
6 the -- the community benefits that this project  
7 brings to the table, including the creation of a  
8 second emergency access road for folks in  
9 Leona Valley.

10 We think that the water tank and the -- the  
11 infrastructure improvements to water will help some  
12 of the surrounding properties in terms of that. We  
13 also have the hiking and equestrian trails.

14 And what I want to say in closing is, you  
15 know, just thanking you for -- for taking the time to  
16 listen. We're obviously available for questions.

17 What we really want to do is continue to  
18 work on issues like the septic and -- and the  
19 management of it.

20 If Fire is amenable to narrowing the roads,  
21 we can work on that.

22 We do want to work with staff on grading  
23 issues. I mean, staff has expressed concerns about  
24 the amount of grading. The grading has been reduced  
25 by half a million yards. We think we can work with

1     them to -- to reduce it more.

2             We just -- we just think that right now is  
3     not the time for your Commission to really make a  
4     final judgment about this project. You don't have  
5     the environmental document in front of you, you can't  
6     really judge the impacts.

7             We would like, as I have previously asked  
8     about a month ago, to have some additional time to  
9     work through some more issues and come back to you  
10    with something that's more developed, you know, at a  
11    time when you have the full panoply of information in  
12    front of you.

13            And thank you very much for your time. And  
14    I do appreciate the -- the -- you bearing with us and  
15    extending the minutes.

16            CHAIRMAN MODUGNO: Okay. Great.

17            Are there questions now?

18            Mr. Helsley.

19            COMMISSIONER HELSLEY: A question in relation to  
20    cultural concerns.

21            I didn't hear anything in your presentation  
22    on cultural --

23            MR. GUTIERREZ: No.

24            And I believe that -- I believe that the  
25    Mitigated Negative Declaration would -- would show

1 that there are no significant impacts. And  
2 that those letters were responded to, I believe,  
3 by -- by the developer.

4 MR. FORD: That's correct.

5 MR. GUTIERREZ: Go ahead.

6 MR. FORD: We did an original archeological --  
7 archeological study on it.

8 The Town Council raised some issues later in  
9 the project. We sent our people back out again to  
10 respond to those, a report was written and given back  
11 to the County. That's all part of that package you  
12 don't see. And it is determined that on our site  
13 there is -- there is no impact.

14 COMMISSIONER HELSLEY: Okay. Thank you.

15 The aspect of the rainfall in that region --

16 MR. FORD: Yes.

17 COMMISSIONER HELSLEY: -- what is the annual  
18 rainfall?

19 MR. FORD: What is the annual rainfall out  
20 there?

21 COMMISSIONER HELSLEY: On the average.

22 MR. GUTIERREZ: I couldn't tell you that.

23 MR. FORD: Sorry, that's --

24 COMMISSIONER HELSLEY: Okay. Maybe somebody  
25 will give us that information.

1 MR. GUTIERREZ: I know that Public Works -- they  
2 don't have it now but, I mean, they have detailed  
3 records from all over the County and we can provide  
4 that, obviously.

5 COMMISSIONER HELSLEY: All right. The aspect  
6 of -- on slide 3 that you showed was a very open  
7 position slide.

8 MR. GUTIERREZ: Go back to slide 3.

9 That one?

10 MR. FORD: No. 3.

11 COMMISSIONER HELSLEY: No. Slide 3.

12 Where would you expect that to be taken  
13 from, that rendering?

14 MR. FORD: That is taken --

15 That was taken digitally from a model we  
16 created of the site and that would be --

17 If we look at the map, up at the very top  
18 upper right you're going to see sort of a blue  
19 cross-hatched area. Moving to the left there's a  
20 roundabout and a cul-de-sac dropping south. That  
21 roundabout, if you were to stand on the back side of  
22 that roundabout and look down that cul-de-sac, that  
23 is that shot.

24 COMMISSIONER HELSLEY: You're talking this one?

25 MR. GUTIERREZ: No. Up to the right.

1 MR. FORD: At the very top.

2 MR. GUTIERREZ: Upper right.

3 MR. FORD: Upper right.

4 He can't see that.

5 COMMISSIONER HELSLEY: I can see it.

6 MR. GUTIERREZ: That one or the --

7 MR. FORD: I can't see where he's pointing.

8 COMMISSIONER HELSLEY: As I look --

9 MR. FORD: Go to the left.

10 Go to the left.

11 I see you --

12 MR. GUTIERREZ: I'm sorry.

13 UNIDENTIFIED FEMALE SPEAKER: Who's left?

14 MR. FORD: The left of the map. I'm sorry.

15 There's a cul-de-sac --

16 As the -- as the street transverses from

17 right to left along the top border from

18 Bouquet Canyon, which is at the very, very right side

19 of the map, there's a large blue area that's

20 cross-hatched, which is an ETI area --

21 MR. GUTIERREZ: Okay. Now -- now where your

22 pointer is just go to your left, Commissioner,

23 about --

24 MR. FORD: About 4 or 5 --

25 MR. GUTIERREZ: There you go.

1 MR. FORD: There it is.

2 Okay. Now, if you were standing on the back  
3 side of that looking south down that cul-de-sac,  
4 that's that shot. It was taken from that.

5 COMMISSIONER HELSLEY: All right. I have a hard  
6 time trying to visualize or understand the lack of  
7 homes within that zone. And so that's why I asked  
8 that question.

9 The --

10 You indicate that you've been working  
11 with -- you started presentations to the Town Council  
12 five years ago.

13 MR. FORD: 2006. 2007, in February 2007 was our  
14 first presentation.

15 COMMISSIONER HELSLEY: Okay.

16 MR. FORD: We were -- we started attending in  
17 early 2006 before we started design. It wasn't until  
18 we figured out some of the problems we thought were  
19 of concerns to the community and what they were going  
20 to want did we actually start drawing.

21 And one of the big things we always heard  
22 was follow the CSDs. If you do anything, follow the  
23 CSDs. And there are seven CSDs and we follow every  
24 single one of them to the letter.

25 COMMISSIONER HELSLEY: Thank you.

1 MR. FORD: Uh-huh. My pleasure.

2 CHAIRMAN MODUGNO: Mr. Pedersen.

3 COMMISSIONER PEDERSEN: It's my understanding  
4 that the vineyards are not planted yet, it's just  
5 proposed vineyards?

6 MR. FORD: That's correct.

7 COMMISSIONER PEDERSEN: How did you derive at  
8 the 122 acres?

9 MR. FORD: It's not 122 acres, it's only  
10 94 acres.

11 COMMISSIONER PEDERSEN: 94 acres rather, then;  
12 how did you come -- how did you come up with that  
13 amount?

14 MR. FORD: We -- we -- we've -- through  
15 consultants and people in the industry.

16 Most of the -- most of the area --

17 First of all, Leona Valley is a historical  
18 vine- -- grape-growing area. It was just recently  
19 awarded, by the Federal government, an overlay, an  
20 Appalachia, for lack of a better term, an AVA is what  
21 they call it, an American Viticultural Area. So it  
22 is -- it is -- from the 1920s onward, actually  
23 prohibition stopped it. There are still vines  
24 growing out there from the early -- or the late  
25 1800s.



1           We -- we went into the valley areas, as  
2   opposed to the ridgelines and upper areas; so these  
3   upper slopes I think were on staff's picture, won't  
4   have vineyards on them. Those will remain natural  
5   and open.

6           Remember, of the 290 -- 292 acres, 152 acres  
7   of that aren't going to be touched. They're going to  
8   remain natural.

9           COMMISSIONER PEDERSEN: Still I didn't get an  
10   answer to my question.

11          MR. FORD: I'm sorry.

12          COMMISSIONER PEDERSEN: How many --  
13               How did you derive at the 94 acres? Is  
14   that -- I mean, is there any correlation between that  
15   and the amount of water -- or the brown water that's  
16   going to be generated from the -- the sewage plant  
17   or --

18          MR. FORD: No. There was -- it was just -- it  
19   was acreage carved out based on where the plants  
20   would grow the best.

21          COMMISSIONER PEDERSEN: Okay. And --

22          MR. FORD: Now, as far as the water goes,  
23   remember these use less water than normal planting;  
24   so a lot -- a lot of the grapes will be on  
25   manufactured slopes that would have to be planted

1    anyway. They'll use less water than the normal  
2    planting required.

3            COMMISSIONER PEDERSEN: So there was no  
4    correlation, it was just a figure that came up,  
5    then --

6            MR. FORD: Correct. At this time, yes. Right.

7            COMMISSIONER PEDERSEN: Okay. Yes.

8            CHAIRMAN MODUGNO: Any other questions?

9            I have three. When you designed or when  
10    your experts designed the water system with the  
11    bio-swales, Leona Valley and basically all the sort  
12    of inland areas of California don't just have a nice  
13    natural rainfall, we have these experiences of these  
14    huge thunderstorms, flash floods and a massive amount  
15    of water in a very short period of time.

16            How much of that water is going to be able  
17    to be captured and how much of it is going to run off  
18    and where is it going to run off?

19            Because I -- I like the aspects of  
20    sustainability, but I think there's sustainability in  
21    terms of types of systems and what you're discussing  
22    is more applicable as you get closer to the Coastal  
23    regions because rain tends to fall in a more natural  
24    state, not these massive flash floods that the water  
25    gets in the intersections, you can't pass, and I've

1 been caught in a couple of them myself and you  
2 basically just take some shelter, get to some high  
3 ground and just have to wait it out.

4 MR. FORD: I appreciate that. Very, very  
5 good question. And it was a very big concern of  
6 Public Works.

7 Just -- just to give some kind of feel for  
8 it, a normal hydrology report on a project like this,  
9 all things being equal, runs about \$10-, 15,000. So  
10 far we're close to about \$300,000 in reports to  
11 address those issues, to satisfy Public Works that it  
12 will do it. And after about a year and a half worth  
13 of working with them, they came to the conclusion  
14 that it does work.

15 We capture all the water we generate on  
16 site. These will do it. The engineering shows it,  
17 the hydrology shows it. And we've calculated it for  
18 a 2-year storm, 5, 10, 15, 20. They had us do  
19 them -- I think --

20 I don't know how many different storm  
21 studies we had to do, down to the grains of sand that  
22 would fall onto the streets. They were very, very  
23 diligent because of that question. It had to work.

24 We've got more engineering on this now from  
25 a tentative standpoint than we're going to need for

1 the final.

2 CHAIRMAN MODUGNO: Second question. If you  
3 know, my name is Italian.

4 MR. FORD: Pardon?

5 CHAIRMAN MODUGNO: My name is Italian. My  
6 great, great grandparents came to Los Angeles the  
7 early part of the last Century and brought some  
8 grapes along with them and grew grapes and I watched  
9 my father tending the grapes.

10 It's not just a passive sport, it takes a  
11 lot of work. There's pruning, there's care, there's  
12 et cetera with them if you want to get the right  
13 types of variety.

14 Ours were always used for personal  
15 consumption. My mother currently just picks her  
16 grapes, makes juice and makes jelly; so we got out of  
17 the wine-making business a long, long time ago.

18 The aspect of --

19 I'm assuming these are to be wine-producing  
20 grapes.

21 As we look at sustainability of projects,  
22 I'm assuming also that the grapes produced are not  
23 going to be used by personal consumption of the  
24 residents of this community but indeed are going to  
25 be harvested and taken somewhere for some processing.

1           Now, that sort of then speaks opposite to --  
2   to sustainability, unless they're being taken very  
3   close distances for pressing and the making of wine.  
4   Because, again, we've got trucks coming in, people  
5   coming to pick, picking, putting them in trucks, and  
6   then taking them someplace. It also then becomes a  
7   commercial type of application.

8           So I guess I'm looking at the residential  
9   aspect of this with sustainability with an overlay of  
10  what I'm visioning as a commercial application  
11  because not everyone is going to care for their own  
12  grapes. There's probably going to be people coming  
13  in, doing the pruning, doing the maintenance,  
14  et cetera, monitoring and making sure that the  
15  irrigation is -- is correct, checking for the sugar  
16  content in terms of when is the right time to pick  
17  them, and then transport them someplace.

18          So I look at this, I'm intrigued by the  
19  sustainability and the features that you mentioned,  
20  but I can't help but think there's a commercial  
21  overlay to this. And that commercial overlay, is  
22  that meant to take place on open space or not? And I  
23  think that's a decision we've got to -- to take into  
24  account.

25          So if you can answer, I guess, who's going

1 to maintain, and have you lined up or had discussions  
2 with anybody who will take the grapes once they're  
3 harvested?

4 MR. FORD: It's unfortunate, again, that you  
5 weren't afforded a copy of the environmental  
6 documents because many of those things are discussed  
7 in that.

8 The conclusions were drawn that there would  
9 be little impact.

10 There are existing vineyards out there.  
11 We've got a vineyard within half a mile of our  
12 project that's right now producing very, very,  
13 very fine wines, 20 acres worth they've got going.  
14 Leona Valley Wineries is what it's called.

15 There are other vineyards --

16 CHAIRMAN MODUGNO: Let me just stop you there.

17 20 acres vineyard plus winery?

18 MR. FORD: No. Just 20 acres vineyards.

19 CHAIRMAN MODUGNO: And grapes --

20 MR. FORD: And all the grapes --

21 Same thing.

22 Until recently all the grapes had to be  
23 transported out of LA County. I think you just  
24 passed an ordinance not too long ago allowing for  
25 wineries and wine tasting rooms; so it's been

1 difficult to do that. So most grapes are taken out  
2 over the -- over the -- over the County line, either  
3 north or to the -- to the west towards Goleta. There  
4 are some large areas there. I would imagine the same  
5 thing would be happening there.

6 We're not going to plant all of these acres  
7 at one time. This will be done over a period of time  
8 because you can't saturate the market either. That's  
9 number 1.

10 Number 2. Yes, there's maintenance but  
11 there's not a lot more maintenance than would  
12 otherwise be done.

13 You've got to get out there and till the  
14 ground for fire. You've got to get out there, and  
15 all the graded slopes are constantly being pruned,  
16 watered, weeded. These are less. I'd rather plant  
17 grapevines on a slope than I would what is typically  
18 required of the County to plant on a graded slope.  
19 There's less involved.

20 Much less water. Once grapes -- as you  
21 know, once grapes have established, they don't use  
22 water, they tap their own sources; that's why the  
23 grapes are still living out there 100 years later.

24 So there's not a marketable amount of that  
25 going on. But keep in mind, Leona Valley is an

1 agricultural community.

2           They've got -- they just finished their  
3 cherry orchard -- their Cherry Festival. They have a  
4 lot -- a lot of cherry trees out there. There's lot  
5 of different types of agricultural. Lilac farms.  
6 This is what the community is. This is what you buy  
7 into in an agricultural community, agriculture. It's  
8 really more the homes that are coming into the  
9 agriculture than the agriculture coming into the  
10 homes. We're trying to bring that back. We're  
11 trying to show that the two can co-exist, they don't  
12 have to be separated.

13           We can go back, you know, 70 years and start  
14 planning not urban sprawl, we can start planning what  
15 was done with our forefathers where you have urban  
16 farms. And they -- the synergy between the two is  
17 incredible. We're not drawing on any public  
18 services.

19           CHAIRMAN MODUGNO: Thank you.

20           MR. FORD: It takes care of itself.

21           CHAIRMAN MODUGNO: The last question I have, and  
22 probably the most important of the questions, is I  
23 think from our perspective as a Commission we know  
24 that this case has been being worked on by staff for  
25 quite some time. It's rare that staff doesn't try to



1 work with the Applicant and come up with some  
2 compromise position and come forward to us with a --  
3 with a recommendation to approve a project. It's  
4 rare that we have a staff recommendation of denial,  
5 particularly one that's taken this much time, this  
6 much energy and this much investment to get us to  
7 this point.

8         This case was brought to our attention  
9 months ago by staff and we basically said we want a  
10 deadline to hear the case. We have been given --  
11 given ample time, I think, for discussions. I  
12 understand there have been a series of discussions  
13 back and forth. You've been very cognizant of  
14 staff's concerns, or Fire's concerns, Public Work's  
15 concerns, and yet coming to us this morning and  
16 saying we are willing to work with them and make some  
17 changes.

18         And I don't like this body to sit here and  
19 let's make a deal. That's not our job to come back  
20 and say look, we want this project to be 109 homes  
21 versus 117. We want the open space. That's not our  
22 job. Our job is to either look at staff's  
23 recommendations, allow due process in all the input,  
24 and make some -- some decision.

25         My question to both of you is how many

1 changes have been made to this project reflecting the  
2 time that staff has allowed and we've allowed to try  
3 and get you to come to some compromise position?

4 MR. FORD: Numerous. Numerous.

5 First of all, let's start out with how we  
6 approach a project. We come to the County not  
7 with --

8 We're allowed 139 units on that site. Now,  
9 typically in the old days you come in with a 139-unit  
10 project and you -- you settle for 120. We came in  
11 with what we thought was reasonable concerning --  
12 amount for that particular area which was 121. Staff  
13 came in and said that's too many. And we said well,  
14 we'll cut it back. We cut it back to 117.

15 And we used 117 because 2-and-a-half acre  
16 lots are what are required. Anybody out there can --  
17 can divide their property into 2-and-a-half acres.  
18 Well, you know, 292 lots divided by 117 -- 2.5 is  
19 117. That was the number.

20 We've never been given any other number  
21 other than you're over the -- you're over the min- --  
22 you're over the midpoint; so we went back to staff  
23 and said fine, where --

24 First of all, where this midpoint come from?  
25 But more importantly, what is the typical procedure

1 you use on other projects?

2 And almost every other project we've pulled  
3 over the last two-and-a-half years that have been  
4 approved by the Commission are at or very near  
5 maximum. And so we're going why us? And how much do  
6 you want?

7 I'll work with staff. If we need to cut  
8 some lots back, if we need to cut the grapes --

9 Look at; this is a good project. This  
10 project has potential far beyond just the normal  
11 residential. I want to see it work.

12 If we have to cut the lots back, I'll cut  
13 the lots back; if we have to cut the grading back,  
14 I'll cut the grading back.

15 MR. GUTIERREZ: And just one other thing, just  
16 as an example of the things that have changed, the  
17 trail amenities that the Parks Department is really  
18 excited about, has been enhanced in the last 30 days  
19 in the ongoing discussions that Mr. Ford has had with  
20 the Parks Department; so -- so, you know, there have  
21 been changes made.

22 You know, I -- you know, this project does  
23 have a history. And I think as Bill is saying, you  
24 know, at this point there's a lot invested here and  
25 we think there are some great features to the

1 project.

2           And again, you know, if -- if staff is  
3 concerned about the widths of streets, we're not  
4 going to hash that out here in front you. We can --  
5 we can -- we'd like to work on that.

6           As Bill said, if -- if staff wants to, you  
7 know, they're still concerned about grading and  
8 number of lots, you know, we want to talk about that.

9           I think the -- the -- the onsite wastewater  
10 treatment system is novel, it's unique. I think  
11 there has been a lot of, I think, uncertainty on the  
12 part of County departments as to how it will actually  
13 be managed and I think it's taken some time for  
14 everybody to -- to get their -- sort of to wrap  
15 their -- for lack of better terms, to wrap their  
16 minds around it.

17           There was a meeting just in May between  
18 Health Department, Public Works, the Lahontan  
19 Regional Water Quality Control Board, to discuss  
20 those issues. I mean, that was just on May 3rd. I  
21 mean, that's not a long time ago.

22           I mean, it may have taken some time to get  
23 to that May 3rd meeting, but there are a lot of items  
24 in play.

25           And I agree, Commissioner, that, you know,

1 we don't want to sit here and start hashing these  
2 things out. And I think, as I came before you, you  
3 know, a month ago, we were asking -- we were asking  
4 for some more time to do that.

5 CHAIRMAN MODUGNO: Just in brevity, Mr. Ford,  
6 you asked where did midpoint came from. I think  
7 midpoint came from me ten years ago.

8 Midpoint was something that -- I served  
9 three terms on the Planning Commission at the City  
10 of Santa Clarita. From inception, we were dealing  
11 with an infrastructure deficit. We were dealing with  
12 urban areas and rural areas.

13 And just very briefly, midpoint became the  
14 standard that we put into the General Plan and as the  
15 starting point within Santa Clarita. And I brought  
16 that idea and concept to the County.

17 And so at midpoint is the expectation.  
18 And -- and that's reasonable infrastructure for a  
19 project. I think you start moving to higher  
20 densities as you get affordable housing, as you have  
21 other amenities, as you have an infrastructure excess  
22 that goes in, or where there are infill projects  
23 within a more dense area.

24 This project being isolated and not  
25 necessarily an infill to other surrounding areas, in

1 my opinion would have been the starting point at  
2 midpoint.

3 I think the sustainability, some of the  
4 other features with it, et cetera, might have added  
5 some additional densities to it.

6 But I would not say the entitlement, and  
7 this is something we've tried to convey that staff  
8 also put out to Applicants, that the starting point  
9 is not maximum; that the starting point is -- is  
10 midpoint and it can go down and it can go up.

11 And we realize that there are certain levels  
12 of density. But if we were to take the entitlements,  
13 again for the Santa Clarita Valley, both in the City  
14 and the County, and put them at maximum, that  
15 community at this point could not sustain and support  
16 a 600,000-people population. And so that's why you  
17 have to sort of work this thing around.

18 And so there are -- there are projects that  
19 add -- bring value. I think many of the sustainable  
20 features that you've identified here are certainly  
21 types of things that would persuade us, at least me  
22 personally, to go up from midpoint.

23 But -- but to start off and say this has  
24 been cutback; it's not been cut, in my opinion,  
25 enough. But that's just -- I'm one -- one of five

1 Commissioners. And I think staff, following at least  
2 the direction and perception that they've gained over  
3 the years from working with us, sort of have a hint  
4 as -- in terms of direction that we want to go.

5 But with that, I'm going to stop now. We'll  
6 take a ten-minute recess. When we reconvene we will  
7 allow the Town Council to get set up and have a  
8 five-minute presentation and then we'll start taking  
9 open testimony.

10 MR. FORD: Thank you very much.

11 CHAIRMAN MODUGNO: You're welcome.

12 MR. GUTIERREZ: Thank you very much,  
13 Commissioners.

14 (Recess.)

15 CHAIRMAN MODUGNO: Please return to your seats.

16 Calling the meeting back to order.

17 I had a request during the break that staff  
18 would like to at least do a brief rebuttal to the --  
19 to the question -- the last question I had raised,  
20 which is in terms of the -- the amount of changes  
21 that this project has had; so Director Bruckner.

22 DIRECTOR BRUCKNER: Thank you for the  
23 opportunity.

24 And I think this is a -- as you pointed out,  
25 Mr. Chairman, this is an unusual time when we bring

1 forward a project with a negative recommendation.

2 As I believe the Commission -- the Chair has  
3 said, and the Commission over the years has come to  
4 expect us to work hard to bring projects, either  
5 conditioned or for approval before you. And that  
6 certainly is our goal.

7 In this project, the Applicant should be  
8 commended for dealing with many of the technical  
9 issues. And they have been forthcoming with the  
10 technical issues.

11 The question here, at least in -- in our  
12 mind, from the staff perspective, is not a technical  
13 one, it's very fundamental, and that's why we brought  
14 forward the recommendation we have.

15 And they've been, again, very forthcoming  
16 with technical issues, in dealing with -- with  
17 sub-street stormwater runoff, but fundamentally  
18 there's a difference between staff and the Applicant.  
19 The fundamental difference is -- is over three  
20 issues: The quantity of grading and how the land  
21 plan comes together; the idea of clustering and is  
22 this a clustered project; and the new idea to -- to  
23 us, which we have grave concerns about, is a  
24 commercial operation adjacent to residential uses,  
25 and the idea of using commercial vineyards in the



1 open space.

2 And those are the three issues they have not  
3 been compromised -- willing to compromise over.

4 And as I say, they've been very forthcoming  
5 with technical studies and working on the land plan  
6 as it is. But we are here to say our recommendation  
7 is that there needs to be significant fundamental  
8 changes, not -- and I don't want to belittle --  
9 belittle it, but not tinkering with the technical  
10 side of it.

11 We all can work on the technical side of it  
12 once we have a fundamentally sound land plan. But we  
13 don't believe we're there yet.

14 CHAIRMAN MODUGNO: Okay. Great. Thank you very  
15 much.

16 Any questions of the director?

17 All right. Town Council representatives.

18 Mr. Child.

19 MR. CHILD: We have two speakers signed for the  
20 Town Council, Peggy Fuller and William Elliott.

21 CHAIRMAN MODUGNO: I understand that you've  
22 asked for additional time. I really would like to  
23 keep it at five minutes if possible, and --

24 MR. ELLIOTT: I understand.

25 CHAIRMAN MODUGNO: Yes.

1           And the reason I say that is the  
2   recommendation is for denial.

3           I understand that your concerns are probably  
4   very similar to the staff concerns. If you've got  
5   some additional ones you want to highlight to bring  
6   to our attention beyond those that staff has done, I  
7   think that's where I'd like to see you concentrate  
8   your focus.

9           MR. ELLIOTT: Thank you.

10          Last time I was before you I had  
11   87 charts --

12          CHAIRMAN MODUGNO: Just start with your name  
13   first.

14          MR. ELLIOTT: All right. William Elliott, I'm  
15   the president of the Leona Valley Town Council.

16          First of all, I'd like to start out with  
17   this has been going on for four years, nothing really  
18   significant has changed in this development. And we  
19   have met several times with the County and the  
20   Supervisors' office and the Applicant. And no  
21   decisions have really been made, or compromises; so  
22   we're definitely disappointed with that. Okay.

23          Next please.

24          Oh, I can do it? Oh, yeah.

25          All right. This started in 2007. First

1 public meeting, we had a straw vote. Everybody was  
2 against it. That's all in this -- the words there.  
3 You have the minutes of the meeting, you can look at  
4 that yourself.

5 Present day, the same thing happened. We  
6 instilled enough people to get there and speak out  
7 about it. There was an election or a straw vote at  
8 the end. All against, no for, one abstention.

9 We did an election day survey, you can see  
10 the results there; 6 for, 181 not in favor. That's  
11 available if you'd like to see it.

12 I'll remind you of the -- the bylaws of the  
13 Town Council.

14 We have not taken a position because we  
15 represent the position, we are an advisory group to  
16 the Supervisors' office, and that's it. We're  
17 representing the -- the opinions of the community.

18 Basic issues, you know it. They can --  
19 they're basically agreed with with the actual -- with  
20 Mr. Sackett.

21 Next.

22 This is just to let you know that I did a  
23 real quick search and not -- in the entire AV Plan,  
24 and there is hundreds of indications of density. The  
25 theme is low density.

1           From our opinion the density is too high.

2   You can see the -- the rules and regulations, I'm  
3   sure you guys are familiar with it.

4           Density considerations. These are all the  
5   documents we looked at, including the surrounding or  
6   adjacent densities.

7           Here it is. Leona Valley is roughly  
8   560 homes out of 12,600 acres. Density is 22.5.  
9   Adjacent density is about 8.2. Custom -- and they're  
10   asking for 117 lots. Okay.

11          Over the last 20 years we've seen about  
12   4 houses a year. This is -- would be 630 percent  
13   growth in one year -- the first year that this  
14   development came out.

15          The scale and intensity, if you read the  
16   rules or read the -- the plan, you can see that it's  
17   not within the character, it hasn't addressed the  
18   hazards associated with density. The density needs  
19   to be reduced.

20          Proposed densities. Again, you know very  
21   well -- you're familiar with that.

22          I'm letting you know that there -- there is  
23   adjacent property to this that the -- the County  
24   Planning has already changed, it is actually trying  
25   to implement the Town and Country of 1 ductile unit

1 per 10 acres. They've actually come back to the --  
2 to the actual landowner and said 1 -- 1 dwelling unit  
3 per 10 acres. And it's adjacent.

4 You can see there's a lot out there.  
5 There's a 20-acre plot out there now that we have not  
6 contested because it fits the character.

7 Okay. This is actually what's in the  
8 Town and Country. Don't need to go into it.

9 Here's the actual map from the Planning --  
10 from the actual AV Plan. You can see that it's an  
11 agricultural opportunity area. You can also see  
12 there's a hazard right there. Okay.

13 It's minimum of 2 acres. One-and-a-half  
14 acres is in violation.

15 Here this is. This is just a very small  
16 one-third of it. You can see how many of the circles  
17 up there are 1.5 acres. On the drawing you can  
18 actually see how many there are. Okay.

19 Closed, gated. Every meeting: We don't  
20 want a gated community, period.

21 Roads. The roads, they're not public. Most  
22 of the roads, if -- if they're not -- if they --  
23 other than dirt, are County-maintained roads. That's  
24 what we want to see here.

25 Feature of the unincorporated area for the

1 sewer system for this or this -- for this actual  
2 sewage treatment plant, it's game changing. Every  
3 area in the unincorporated area that will not perk  
4 will want to use this.

5 This sewage system increases the density  
6 above what it would perk at. 35 is what Lahontan  
7 said this property probably could handle. It is game  
8 changing and needs to be given all the -- the  
9 considerations, EIR and a full CUP for this effort.

10 Undersized lots. Won't go into it, you know  
11 it.

12 Violates hillside management requirements.

13 Hey, we just went up in space (sic). If  
14 you're going to use your clustering requirements and  
15 our CSDs, 1.5 acres, then you cluster it as the  
16 design and the guidelines that County has.

17 Open space. Very simple; 205 acres are  
18 supposed to be open. I don't care if they're grapes  
19 or they're plain open. But cluster down to the  
20 88 acres.

21 Okay. Hazard management area. You know it,  
22 you probably know it better than me -- I do. 2 acres  
23 is the smallest lot you can do. Density will change  
24 this.

25 Density control in a seismic area. Okay.

1 Just more of the same. Okay. Same as we've been  
2 saying.

3 We have a very high fire area. It's on its  
4 own tract map.

5 Grading. Control the grading -- control the  
6 density, grading goes down. We're here because  
7 they've asked for more grading than you guys want to  
8 allow. It requires a CUP.

9 Traffic. We don't like it. It's a  
10 necessary evil of developments. It can be controlled  
11 by density.

12 View shed. Again, we don't want it. It  
13 doesn't look good. The immediate neighbors don't  
14 like it. Again, it can be controlled by density.

15 Rural character. There are several  
16 paragraphs in the General Plan and the AV Plan that  
17 basically talk to the rural character and how you  
18 actually compliment it. This property does not  
19 compliment the rural character. The density is too  
20 high.

21 These are lots. We have a long history.  
22 Leona Valley has been involved in the General Plan,  
23 the AV Plans, Town and Country. You name it, we've  
24 been there. Okay.

25 I'm -- I can see I'm -- I'm probably

1    overrunning here.

2               But these are the lots that are out there  
3    right now that are at that -- that actually are -- I  
4    believe are active that we have not contested. We  
5    contested, you know, that same property years ago  
6    when it was a third of an acre. Ritter Ranch, we  
7    contested it. What did they do? They then extend to  
8    Palmdale.

9               This property is 1.5 acres. It's  
10   unacceptable.

11              The truth why we're here.

12              Okay. The lowest density. If -- if the  
13   Applicant had used the lowest density, there would be  
14   no reason for a CUP. I don't think anybody contests  
15   that. The CU -- the treatment plant is there to  
16   increase the density above what is normal and will  
17   perk.

18              Town and Country. I think this is the same  
19   thing; you guys can read it, you all have a copy of  
20   it. They're not deemed complete. They want to get  
21   this done before Town and Country, our CSD is  
22   approved. There is no expansion --

23              You guys probably remember the '80s when the  
24   very first AV Plan was coming out and there was  
25   actually moratoriums put on --



1           CHAIRMAN MODUGNO: Mr. Elliott, I'm going to  
2 stop you at the moment because we've got a lot of  
3 speakers that want to speak. If you could --

4           We have copies of our presentation, we all  
5 had a chance to sort of flip through.

6           MR. ELLIOTT: Right. This is the last page.

7           CHAIRMAN MODUGNO: Oh, okay. I was going to  
8 say, if you can sort of get to the last page and wrap  
9 it up.

10          MR. ELLIOTT: This is it.

11          We concur with the County staff. It  
12 just doesn't fit the character. It doesn't meet the  
13 ordinances. It -- it really should be denied.

14          CHAIRMAN MODUGNO: Now, Commissioner Helsley  
15 raised a question --

16          MR. ELLIOTT: Wait. Wait.

17          CHAIRMAN MODUGNO: Commissioner Helsley raised a  
18 question about the cultural elements that would have  
19 been in a Negative Declaration had we had one.

20          Do you want to address his question?

21          MR. ELLIOTT: Sure.

22          Well, if you'll note, some time ago there  
23 was some power lines that came through Leona Valley  
24 that we contested also.

25          On that property was going to be a tower.

1 The Southern California Edison and the Forest dudes  
2 actually paid for that evaluation. They had concerns  
3 about the biotins and the cultural resources  
4 available on that.

5 John Allday himself helped fight the power  
6 lines and helped state himself that there was biotins  
7 and everything else on there.

8 Their bio- -- their actual study does not  
9 concur or match that of what Edison put together for  
10 the power lines; so we do have concerns.

11 CHAIRMAN MODUGNO: Good.

12 Other questions of this speaker?

13 Mr. Helsley.

14 COMMISSIONER HELSLEY: I'd just like to make a  
15 statement.

16 I didn't think you'd get through all those  
17 slides in that time. Congratulations.

18 MR. ELLIOTT: I just want you to know, I'm  
19 normally very wordy.

20 The customer that I work with, I'm an  
21 aerospace engineer, and they have to tell me to sit  
22 down, too; so you guys challenged me, I -- hopefully  
23 I got through it all.

24 CHAIRMAN MODUGNO: Yes. Let me just say how  
25 much we appreciate the work that all the

1 Town Councils do, oftentimes unthanked-volunteer sort  
2 of positions.

3           You have clearly put in a massive amount of  
4 time on this, and it's really, again, something --  
5 what we see here is an investment on the part of the  
6 residents, an investment on the part of the  
7 Applicant, an investment on the part of staff. And  
8 it's very difficult, me personally, to look at a  
9 project that's going to come through from denial.  
10 And I think the -- the director made the same point:  
11 We do like to work with applicants and see staff  
12 working with applicants, I think we've just come to a  
13 point of impasse.

14           And I think this project may have some  
15 viability. But as it is, I think it is at an impasse  
16 as it's currently planned, at least that seems to be  
17 the direction from staff and from yourself, and based  
18 upon the applause, which is okay, except it sort of  
19 does take up some time, I believe supports it.

20           So thank you for your presentation.

21           MR. ELLIOTT: May I res- --

22           CHAIRMAN MODUGNO: I'm sorry, you have another  
23 question.

24           COMMISSIONER HELSLEY: The aspect --

25           I asked the question a little earlier. The

1 average rainfall in the area, do you know what that  
2 is?

3 MR. ELLIOTT: About five years ago, if you look  
4 up there at that map at the dark area where Bouquet  
5 makes the big turn right there, we had as much as  
6 50 inches during -- five years ago during the big  
7 rain when Bouquet Canyon was -- we actually had  
8 3 feet of dirt on Bouquet Canyon right there; so that  
9 is a tremendous thing.

10 A friend of mine's actual mailbox was buried  
11 right up to the top of the mailbox right across the  
12 street from this. So it is terrible when it does  
13 rain, it's -- it's pretty bad.

14 COMMISSIONER HELSLEY: Do you by any chance  
15 know the amount of growth in those hills from the  
16 Northridge quake?

17 MR. ELLIOTT: Pardon?

18 COMMISSIONER HELSLEY: Do you know what the  
19 amount of elevation growth was in those rift hills  
20 from the Northridge earthquake?

21 MR. ELLIOTT: No. I know that, you know, that  
22 USGS has strong motion sensors there. It usually  
23 takes an awful lot for those things to kick in.

24 If you go on their website you'll find out  
25 that they actually kicked pretty hard, there were

1 some significant accelerations. But as far as how we  
2 grew I don't know.

3 I can tell you right now Leona Valley is  
4 actually -- my part of Leona Valley is actually -- I  
5 actually live on the rift, my neighbor had to move  
6 his house because you guys said he was -- he was on  
7 top of it; so he had to move it 75 feet behind it.  
8 I -- my house is actually moving west 2 inches a  
9 year.

10 COMMISSIONER HELSLEY: The last question is are  
11 there a lot of landslides that have occurred since  
12 the Northridge earthquake in that area?

13 MR. ELLIOTT: We had roads closed during the  
14 Northridge earthquake. We have roads closed all the  
15 time during rain.

16 Bouquet has been closed for -- in the last  
17 big rain we had.

18 The County has -- has closed Godde Hill,  
19 only as a safety issue. They didn't put a barrier on  
20 it.

21 Muntz Road is closed because of landslides  
22 during normal rain.

23 Johnson Road is usually open but that's  
24 about a -- 15 miles out of the way.

25 And Vasquez Canyon Road always closes during

1 a rain or any type of earth movement.

2 CHAIRMAN MODUGNO: Okay.

3 MR. ELLIOTT: That's all surrounding the  
4 valleys.

5 CHAIRMAN MODUGNO: Great. Thank you very much.

6 We will have six names called. Each person  
7 who's being called will be provided with three  
8 minutes. If you don't need to take it, don't feel  
9 obligated to take it.

10 Because we have a number of people in the  
11 audience, I'd like just a show of hands how many  
12 people are here supportive of this project?

13 And how many people here are not supportive  
14 of the project as it's currently presented?

15 Okay.

16 Again, I see a lot of hands, I appreciate  
17 the fact that you've all come a long distance. It's  
18 not a pleasant trip to Downtown Los Angeles, I hope  
19 you've got maybe some plans for the afternoon versus  
20 maybe just getting back home, but --

21 COMMISSIONER HELSLEY: Would you ask that first  
22 question again, please?

23 CHAIRMAN MODUGNO: Yes.

24 In terms of how many are supportive?

25 COMMISSIONER HELSLEY: Supportive.

1           CHAIRMAN MODUGNO: Again, how many are  
2     supportive?

3           VICE CHAIR VALADEZ: Who wants to count?

4           CHAIRMAN MODUGNO: Obviously, the Applicant's  
5     group, it looked like a couple hands in the back, and  
6     the vast majority of the people here were not.

7           Again, the staff recommendation on this is  
8     for denial.

9           The Town Council, who represents the  
10    residents there, has recommended it's not supportive  
11    of the project as it's presently designed. That  
12    doesn't mean it's not supportive of any project; so  
13    that being said, I guess you all stand between  
14    yourselves and us and lunch, or other things for the  
15    afternoon.

16          Again, you're entitled to the three minutes;  
17    if you choose not to do it because, again, your  
18    position has already been represented, feel free to  
19    just pass. But we will go through the list,  
20    beginning now, Mr. Child, if you'll call six names.

21          Again, if the first two can take two seats  
22    here.

23          Actually, you know what we're going to do is  
24    just call five names because there's two seats here  
25    and there's three other vacant seats in the front

1 row. If the other three names will take those. As  
2 the first person has concluded their presentation,  
3 once they vacate, then the second person can take --  
4 I'm sorry, the third person can take that person's  
5 seat, and just keep rotating until we get through  
6 the -- the group.

7 So if you'll call five names.

8 COMMISSIONER HELSLEY: Mr. Chairman --

9 CHAIRMAN MODUGNO: Yes.

10 COMMISSIONER HELSLEY: -- may I make one other  
11 comment in reference to that?

12 And that is could you please not repeat  
13 testimony.

14 CHAIRMAN MODUGNO: Or if you --

15 UNIDENTIFIED MALE SPEAKER: May I just ask a  
16 question?

17 (Inaudible comment/discussion.)

18 CHAIRMAN MODUGNO: You know, why don't we then  
19 have those who have raised your hands, if two of you  
20 will come forward and three more will take space,  
21 state your name and then --

22 VICE CHAIR VALADEZ: You know, let's just be  
23 more efficient.

24 I don't think we need all of the Applicant  
25 in the front row.



1 CHAIRMAN MODUGNO: Okay.

2 VICE CHAIR VALADEZ: So if you could, amongst  
3 yourselves, decide who could move back so that we can  
4 have the maximum amount of people come forward to be  
5 able to speak, that would be very helpful to us.

6 CHAIRMAN MODUGNO: Okay.

7 VICE CHAIR VALADEZ: We know --

8 CHAIRMAN MODUGNO: Perfect. So anyone --

9 VICE CHAIR VALADEZ: We know you're here.

10 CHAIRMAN MODUGNO: Perfect.

11 So anyone who now wants to speak, there's  
12 plenty of seats in the front row. Just come forward.

13 VICE CHAIR VALADEZ: Just come forward and sit  
14 in the front.

15 CHAIRMAN MODUGNO: Moving through.

16 Sir, you can start with your name, please.

17 MR. SPANGENBERGER: My name is Phil

18 Spangenberg, I'm a resident of Leona Valley. I  
19 moved there 11 and a half years ago because I wanted  
20 to enjoy a pastoral and rural-type of living with my  
21 horses.

22 I'm -- professionally I'm a writer for  
23 magazines and a film consultant and sometimes actor,  
24 et cetera, et cetera. And I've done a lot of work  
25 for the History Channel, Discovery Network, many

1 different television and movie projects. And because  
2 of my living out there and loving the area so much,  
3 in my mind I saw it as so many areas that could be  
4 used. And thus, we have for the past several years  
5 used Leona Valley for filming.

6           One of the reasons the film makers like it  
7 out there is it's not that far from Los Angeles and  
8 Hollywood and the area where they -- where they're  
9 located, they can come out there, it's quiet, because  
10 it's a low density. Also, because of the low density  
11 there are many views, what you call the view shed,  
12 there are many areas that they can get good filming.

13           We've used it for mid-evil Spain, we've used  
14 it for 19th Century Israel, we've used it for  
15 19th Century Texas, Wyoming, we've used for almost  
16 everything except Southern California, ironically.  
17 And we just did a stage coach hold up out there a  
18 couple -- a couple months ago.

19           And not only would this project definitely  
20 hurt the filming, not only for me personally, but the  
21 film companies that come out as well as the local  
22 people out there, because when the film crew comes  
23 out they usually will eat at the local restaurants,  
24 they use the gas stations, they use whatever  
25 businesses are out there because it's just too far to

1 go back into Los Angeles; so there's an economical  
2 impact that that would have.

3 And for -- for somebody to say that -- that  
4 the cultural impact is -- is insignificant is -- to  
5 me it's like somebody moving into my living room,  
6 moving -- rearranging the furniture so that 50 more  
7 people can live in there and telling me it will have  
8 no impact on my -- my lifestyle. It's totally --  
9 totally false.

10 Also, I'd like to cite, there was a book  
11 written, just published this year, called "Bandido"  
12 about the life of Tiburcio Vasquez. As a writer and  
13 a historian, I read the entire book.

14 Vasquez, a well-known California bandit,  
15 spent a lot of time in Leona Valley. And the author,  
16 John Boessenecker, describes Leona Valley in the  
17 1860s and '70s as "an oasis located in the high  
18 desert." And because he has traveled to the places  
19 that Vasquez frequented in -- in Central and Southern  
20 California, he actually knows what these places look  
21 like today. And he said that Leona Valley is  
22 "virtually almost unchanged from the 1860s." And  
23 that's why we that live out there like it the way we  
24 do.

25 So not only the lifestyle but there is an

1 economic impact to be considered.

2 And I thank you very much for the time.

3 Thank you.

4 CHAIRMAN MODUGNO: All right. You'll vacate the  
5 seat and then one of the other speakers can take the  
6 seat.

7 MS. WATTON: You're done.

8 MR. SPANGENBERGER: Thank you. Too many years  
9 of shooting, I can't hear.

10 MS. WATTON: I have mine printed up if you would  
11 like a copy of it.

12 CHAIRMAN MODUGNO: Start with your name, please.

13 MS. WATTON: My name is Marcy Watton. I've been  
14 representing equestrians with regard to trail access  
15 issues since 1985 starting with the Altadena Crest  
16 Trail.

17 And I've been a member of the Trails  
18 Advisory Committee, which has been meeting with Parks  
19 and Recreation, for the last probably seven or eight  
20 years, and we've been meeting regarding this parcel  
21 as well.

22 Although I have not had the opportunity to  
23 meet with Mr. Moreno as of this date, I did read the  
24 letter and I do have some concerns.

25 I thank the members of this Commission for

1 allowing me to address my concerns regarding the  
2 trails connecting to and through Leona Valley, the  
3 Valley Vineyard's tract in Leona Valley.

4         The Valley Vineyard development is a crucial  
5 nexus where many trails come together that are  
6 already in place, along with well-established  
7 community trails. In order to preserve recreational  
8 opportunities it is imperative that these connections  
9 remain viable.

10         Hiking, biking and horseback riding are  
11 important activities for the health and well-being of  
12 our County residents. The preservation of horseback  
13 riding as an activity in particular is important for  
14 the disabled and elderly citizens who are not able to  
15 walk or hike. As an example, I horseback ride for  
16 hours at a time with a 101-year-old man.

17         I am pleased that access to the Granite  
18 Mountain Trail has been restored onto their map but I  
19 do have issues with the alignment of the trail and  
20 hope to meet with them in the future on that  
21 alignment.

22         The community trail shown extending from  
23 lot 68 needs to be restored and included in the trail  
24 plan as this preserves access to BLM -- BLM land at  
25 the top of the ridge. Blocking this crucial access

1 point would hamper the public's access to the BLM  
2 land and isolate that public land. This may well  
3 fall under the protections of RS 2477 which preserves  
4 public access to public lands through private lands  
5 over easements that have existed since before 1977.

6 Also needed is a connection to 86th Street.  
7 The staging area extends over to 86th Street; so this  
8 should be a simple matter to provide access.

9 The 20-foot trail easement needs to extend  
10 west to Lost Valley Ranch Road. And the map is  
11 unclear as to whether that has happened or not. But  
12 it is unacceptable to expect trail users to walk in a  
13 roadway, a paved roadway.

14 Some of the portions of the trails are  
15 aligned over leach fields and sewage treatment areas  
16 which may my need to be aligned to prevent -- to  
17 protect the health and safety of the trail users.  
18 And I'm not sure that bio-swales are appropriate for  
19 trails either; that needs to be looked at.

20 Although hiking and riding in riparian areas  
21 should be restricted, designated trails should be  
22 aligned outside of riparian areas to minimize  
23 maintenance costs.

24 I'm going to run out of time here I see.

25 You can see the rest of my concerns on my

1 paper.

2 But in summary, the Valley Vineyard's  
3 proposal, with no consideration for keeping  
4 livestock, goes against the February 26, 2003 Motion  
5 and Press Bulletin voted on and approved by the  
6 Supervisors and Mr. Antonovich whereby Regional  
7 Planning and other City and County departments were  
8 instructed to preserve, expand, protect and enhance  
9 the equestrian lifestyle.

10 So I would enjoin you to consider that  
11 preservation.

12 Thank you.

13 CHAIRMAN MODUGNO: Ms. Watton, let me ask you a  
14 question.

15 The Applicant indicated that there were no  
16 designated trails over the property at the present  
17 time and anyone using them is trespassing; so I guess  
18 you've admitted that you've trespassed over their  
19 property. And yet you state that there are some  
20 existing easements.

21 MS. WATTON: Yes, there are.

22 CHAIRMAN MODUGNO: And those are easements that  
23 the Applicant is not aware of or the Applicant --

24 MS. WATTON: I believe is aware of because I've  
25 been meeting with the Applicant and the

1 representatives for the last three or four years.

2           There is a County trail that -- that goes  
3 through the property, yes. And then there is the  
4 Granite Mountain Trail which actually on their plat  
5 map you'll see it's marked "Trail" right down to the  
6 water tank.

7           And the same goes for the community trail,  
8 which goes down from the BLM land. That is also  
9 marked on the -- all the topo maps that you can find  
10 on this area, you'll see the word "Trail" clearly  
11 indicated on those two community trails.

12          CHAIRMAN MODUGNO: Now, the reference I think  
13 was made to the Ridgeline Trail. Is there --

14          MS. WATTON: I'm sorry?

15          CHAIRMAN MODUGNO: I think the reference was to  
16 one along the ridgeline. Is that --

17          MS. WATTON: That one is not marked on the map.

18          CHAIRMAN MODUGNO: Okay.

19          MS. WATTON: Yeah, I don't know anything about  
20 that one in particular. But it does connect up to  
21 the community trail that leads up to the BLM land.

22          CHAIRMAN MODUGNO: Okay. Thank you.

23                 Other questions?

24                 Commissioner Helsley.

25          COMMISSIONER HELSLEY: A question in connection



1 to the BLM land off of lot 68. How big is that  
2 holding for the BLM?

3 MS. WATTON: I haven't looked into the exact  
4 acreage. I could get back to you with that and I  
5 will the next time we meet.

6 COMMISSIONER HELSLEY: An approximation?

7 MS. WATTON: I think it's about 100 acres or so.

8 COMMISSIONER HELSLEY: Okay. So --

9 MS. WATTON: It's a substantial amount of  
10 acreage.

11 COMMISSIONER HELSLEY: You make comment that --  
12 trails in riparian areas. Are there -- are there a  
13 lot of these trails in riparian areas?

14 MS. WATTON: Well, the one in particular that I  
15 note is the trail that goes through next to the  
16 extension of 87th Street and it's shown in the wash.

17 Now, there are trails in other areas that do  
18 go through washes but that's only when there's no  
19 alternative besides a wash because the canyon walls  
20 are too steep. But in -- historically, if a trail is  
21 built or -- or like DG is put in for a trail, it will  
22 wash out every year.

23 CHAIRMAN MODUGNO: Okay. All right. Great.

24 Thank you.

25 No other questions; if you'll vacate the

1 seat and another speaker some forward.

2 MS. WATTON: Thank you.

3 CHAIRMAN MODUGNO: Ma'am.

4 MS. WOLLMAN: Yes. I am Alice Wollman and I'm a  
5 resident of the Leona Valley for the last 15 years.  
6 I'm also a forensic land use and diminution in value  
7 expert as designated by the Court of Los Angeles  
8 County.

9 I've already provided to you a report  
10 regarding a conflicting Environmental Impact Report  
11 that was done for the subject property on behalf of  
12 the California Public Utilities Commission back in  
13 2006. And I also provided the responses that were  
14 given by the Applicant to the CPUC at that time.

15 And I wanted to give that report to you so  
16 that you can see there's a conflict between their  
17 report provided versus the report completed by the  
18 CPUC. And that there are specific endangered and  
19 protected species in that area.

20 I'm actually here to discuss the evapo- --  
21 evapotranspiration system that's proposed for this  
22 system -- for this property.

23 Evapotranspiration systems are useful and  
24 are very Green in the right environment, where the  
25 evaporation exceeds the level of precipitation per

1 year.

2 The EPA designated all the United States and  
3 mapped areas of most suitable to least suitable.  
4 Leona Valley is in a location that is least suitable.

5 And we already provided the map to the  
6 Planning staff.

7 And it's least suitable because we have too  
8 much rain and too much snow from about November to  
9 April of every year; so you're not going to be able  
10 to evaporate the -- the waste. It just won't work.

11 Also, we met with the Lahontan Water Board  
12 and we discussed the system. And I don't know if you  
13 have reviewed that report but they had indicated that  
14 the proposed system would have a significant adverse  
15 impact on the environment. And that needs to be  
16 considered in the future in terms of an Environmental  
17 Impact Report, which is also required by the Antelope  
18 Valley Area Wide Plan.

19 The EPA also indicates that multipurpose --  
20 that humans and -- and animals should not go into the  
21 ET -- ET beds and should stay out of the ET beds, but  
22 they have planned multipurpose trails on top of the  
23 ET beds which is considered unsafe.

24 They have also said that there should be  
25 setback requirement, according to the United States

1 Government, from the ET beds between 100 and  
2 300 feet, depending on the jurisdiction. And that  
3 would be up to the State of California to decide.  
4 But they've actually put the ET beds on riparian  
5 areas and in watershed.

6 Let me see.

7 They have planned 6.8 acres in the bed  
8 area -- for the evapotranspiration beds. Of that,  
9 4.9 acres is net of the water resources and it's not  
10 set back from the water resources. And the EPA  
11 recommends about 4- to 6,000 square feet per dwelling  
12 unit, which is not allocated on this project.

13 And I also wanted to address the clustering  
14 and the natural open space.

15 When open space and clustering are -- are  
16 implemented, clustering is used to protect -- protect  
17 environmental resources. And I know that this  
18 project is in a draft significant ecological area.

19 And according to the Antelope Valley Area  
20 Wide Plan, you have to treat it as if it's in a  
21 significant ecological area if it's in a potential  
22 and it certainly is.

23 CHAIRMAN MODUGNO: Okay. Thank you, ma'am, if  
24 you'll vacate.

25 And the next speaker.

1 Sir, go ahead.

2 MR. PEARCY: Karl Percy; what an act to follow.

3 I'd like to address a conflict of interest  
4 between the agricultural and the residential  
5 lifestyle.

6 Valley Vineyard's project is designed, and I  
7 got different information from the staff and from the  
8 developer, you've got between 94 and 122 acres for  
9 vineyard, for grapes. I was -- I was very heartened  
10 and appreciated the concerns you had regarding your  
11 background with grape growing. It's a little bit of  
12 a labor-intensive venture.

13 When I got to thinking about the overall  
14 nature of this project, I realized springtime in  
15 Leona Valley kind of oscillates between warm weather,  
16 cold and we have some freezing, some very bad  
17 freezing. And of course we do have cherry growers  
18 and the existing Valley Vineyard's Winery there.

19 And what the largest of those concerns have  
20 done, Casa (sic) del Sol for cherries and Valley --  
21 Leona Valley Winery for grapes, what both of these  
22 people have done to mitigate for freezing, to protect  
23 the frost, is to put in fans, that helps disturb the  
24 air and I guess it stops the -- saves the crop.

25 Well, in April of 2003 the Town Council

1 incurred a huge wrath of -- of citizens came down  
2 when these fans first started at the winery crop and  
3 everybody wanted to check the CUP and request a  
4 special permit or put it to a stop because these fans  
5 would go on at between 3:00 and 5:00 o'clock in the  
6 morning when people are trying to sleep.

7           Bottom line, it took about a year but by  
8 April of '04, the -- the owner, Dave Reynolds, was  
9 pretty much vindicated. He said, you know, the --  
10 the support of the County, because it's an  
11 agriculture area, did allow him to do this. He  
12 apologized to the community, he was a very nice guy,  
13 but to save his crops he has these fans going on to  
14 protect them in the springtime.

15           Some of the other protections that have gone  
16 on that might be a nuisance to the community, I know  
17 some of the cherry growers have had bird problems.  
18 Before they pick their crops, they have these cannons  
19 that go off and scare the birds during the day.

20           And then the picking of the grapes, if  
21 you're a fine wine, I suppose, they pick them at  
22 night; so they're dealing with spot lights and so  
23 forth, which is pretty bright.

24           You may not know, our community has three  
25 stop -- or three streetlights in the whole community.

1 It's a very dark town when we don't have a full moon;  
2 so impacts like that lighting is -- is pretty huge.

3 I think the concept of the marketing plan  
4 that the developers have is really pretty. You've  
5 got -- you've got the orchards, you've got the house,  
6 you've got the gated community and everything. But  
7 I'm saying there is some major conflict of interest  
8 there between not only Leona Valley and a gated  
9 community but tract homes and farming. I just see  
10 some huge issues that hadn't come up yet.

11 He talked about being very proud of the dual  
12 purpose. And I've got to admit in my -- in my  
13 thinking outside the box, which is kind of where I  
14 live, I could only mitigate this problem by saying  
15 that he needs to market this to the hearing impaired.

16 CHAIRMAN MODUGNO: Thank you.

17 I couldn't help but smile when you were  
18 talking about freezing and grapes. And I was  
19 envisioning Leona Valley ice wines.

20 Familiar in Canada and parts of very cold  
21 areas of Minnesota, et cetera, they have to wait  
22 until the grapes literally freeze until the sugar  
23 contents gets up, and they call them ice wines. But  
24 I think you're speaking about freezing a little bit  
25 earlier. I would think that these would ripen fairly

1 quickly.

2 COMMISSIONER HELSLEY: A comment along that  
3 line; my niece worked on ice wines in Canada and it  
4 is a very unique type of wine. And I think that  
5 they -- that there can be a thankfulness for the wind  
6 machines, and that is that they're not burning tires.

7 CHAIRMAN MODUGNO: Go ahead, sir.

8 MR. KIRKPATRICK: Good morning, my name is  
9 Vance Kirkpatrick. I've lived in Leona Valley for  
10 40 years and I'll limit my comments to one area since  
11 you're very time limited, and that's emergency  
12 response.

13 Leona Valley has limited vehicular access,  
14 it has limited water, it also has limited power.  
15 I -- in the 40 years I've lived there I've probably  
16 lost my power at least 40 times, sometimes for  
17 several hours.

18 And there's two existential threats in  
19 Leona Valley that most communities don't have. One  
20 is fire. You've heard that every two, three years  
21 we're under threat of wild fire there.

22 The other threat is the San Andreas Fault.

23 Leona Valley was made by the San Andreas  
24 Fault. The last time it moved was 1857, 154 years  
25 ago. According to most geologists, it's well overdue



1 for moving again. And to increase the -- the size of  
2 our community, probably over 20 percent more, is  
3 just -- and higher density is just going to compound  
4 that problem of emergency vehicles, police and fire.

5 And I'd like to ask you to consider that.

6 Thank you.

7 CHAIRMAN MODUGNO: Great. Thank you so much.

8 Sir, go ahead.

9 MR. THOMAS: My name is Rich Thomas, I'm a  
10 Leona Valley resident and past president of the  
11 Town Council for, I don't know, three or four years.

12 I made the mistake of telling Vance what I  
13 was going to say before he came on so he took -- took  
14 most of it.

15 But the San Andreas Fault is -- you know, we  
16 were formed by that. And it just seems really  
17 strange that we would want to put a more dense  
18 development on a really active, serious -- biggest  
19 fault zone in the -- in the State of -- in the United  
20 States.

21 And what really concerns us is we know, as  
22 Town Council people, that there are three or four  
23 developers waiting in line to see what's -- what you  
24 guys are going to do with this thing.

25 Valley Vineyard has another --

1    Lauren Development has another site that they want to  
2    develop after they develop this one. There's three  
3    others that we know of that are standing in line; so  
4    what happens here is going to effect Leona Valley not  
5    just for this development but for many developments  
6    to follow.

7                    And it seems also strange that that  
8    many developments should be right on top of the  
9    San Andreas Fault.

10                  Letters -- letters from the residents,  
11    you've read a lot of them. The ones that are anti  
12    development or have problems with the development  
13    come from the heart. There's no financial gain for  
14    writing these letters. They -- they're concerned  
15    of -- actually concerned about the community.

16                  The letters that you've recently received  
17    talk about -- they're mostly from real estate  
18    developers and people that don't live in  
19    Leona Valley, they talk about stuff that would effect  
20    their pocketbook. They live in Santa Barbara or they  
21    live in, you know, some other place a long ways away.  
22    They don't really care what happens there as long as  
23    they can make their development or make their money  
24    or this type of thing.

25                  Maintenance of the vineyards. They say no,

1 that's not a problem to maintain vineyards. My house  
2 is located right above Leona Valley Winery and  
3 there's people out there working all the time trying  
4 to keep that place going. And even at that they've  
5 lost quite a few vines during freezing or winds or  
6 too much groundwater is another problem; so that's --  
7 that's crazy to say that oh, they just kind of grow  
8 themselves and they don't need the care like other  
9 things.

10 We've come down here as Town Council to meet  
11 with the Regional Planning to find out what's going  
12 on because we don't hear much from Valley Vineyard,  
13 especially in the last year or so; so we say well,  
14 how come Regional Planning is not pushing this thing.  
15 Well, evidently the Valley Vineyard people haven't  
16 really paid their dues, so they can't work on it.  
17 Now, it seems funny they wouldn't pay their dues so  
18 they can't work on it when, in fact, they hire  
19 lobbyists to come down and talk to people down here  
20 and try to get their thing through the back way  
21 rather than trying to get the thing done the right  
22 way through Regional Planning.

23 They hire a law firm. Now, jeez, that's  
24 really going to help them get the thing through the  
25 right way, you know, with pressure on -- on whoever

1 they tried to pressure.

2 So certainly we think the project should be  
3 denied, it should be a clean paper and they should  
4 start all over again.

5 CHAIRMAN MODUGNO: Thank you, Mr. Thomas.

6 Any questions?

7 All right. Thank you. Ma'am.

8 MS. BREIGHT: Good morning, I'm Anne Breight.

9 My husband and I have lived in Leona Valley for  
10 14 years. I'm a retired CPA, so you'll understand  
11 why some of the things I will be mentioning have to  
12 do with numbers; that's what I read and review and  
13 consider is numbers.

14 The first thing I would like to address is  
15 the traffic impact on 87th Street West.

16 When we -- our family first moved to the  
17 Leona Valley the first seven years we lived, our  
18 home -- the entrance was 87th Street West. I'm quite  
19 familiar personally with that street, with the  
20 traffic. And recently just to consider this, I  
21 actually drove those streets that are connected to  
22 87th Street and counted how many homes are there.  
23 There's about 90 homes there right now.

24 And if we consider that each house hold uses  
25 87th Street to take their kids to school, to pick

1 their kids up from school, to go to the market, the  
2 gas station, the post office, those are the things  
3 they're coming and going, I didn't even count going  
4 to work because in Valley Vineyard those who are  
5 commuting for work would probably use the entrance  
6 that's on Bouquet Canyon. Just to be conservative,  
7 if I count 2 trips per day per home, we have 90 homes  
8 there right now, that's 180 round trips on that -- on  
9 87th Street per day.

10 Now let's consider 117 homes added to that,  
11 also doing the same conservative number, 2 trips a  
12 day; that takes over 400 round trips a day on that  
13 road. I can tell you from living there that that  
14 would just be such a huge negative impact on that end  
15 of the community.

16 The developer's estimate of something in the  
17 neighborhood of 50 vehicle trips per day added to  
18 87th Street West is unrealistic and grossly  
19 understated in my opinion.

20 The second thing I would like to address is  
21 some of the numbers that are presented in their  
22 project and in my opinion they just don't add up.  
23 And I hope you'll see that.

24 The total acreage on the project is  
25 292 acres. That's been discussed this morning.

1           Using the developer's most recent figures,  
2   and the figures have changed as they've modified the  
3   plan, there's 94 acres for vineyards, 114 acres for  
4   open space, this morning they quoted 118, and  
5   allowing 1.5 acres each for those 117 homes, if you  
6   do the math, that's 383 acres, yet the project is  
7   292 acres.

8           Like I said, it doesn't add up. The math  
9   isn't there. Acreage is being double counted.

10          Using the actual acreage of 292, and the  
11   given acreage for vineyards and the open space, when  
12   you do the math, I did the math, the total number of  
13   allowed homes, again using the 1.5 if clustering is  
14   allowed, that results in 78 homes allowed.

15          Yes. They need to cut back the required  
16   number of homes, as they suggested this morning they  
17   were willing to do.

18          The vineyard designated space is, in fact,  
19   commercial use space; therefore, I believe the  
20   project, as proposed, significantly exceeds the  
21   allowable number of dwelling units.

22          I appeal to you to do the math. I did the  
23   math, it doesn't add up.

24          CHAIRMAN MODUGNO: Thank you, ma'am.

25          Any questions?

1 All right. Thank you very much.

2 Go ahead.

3 MS. CLAYTON: My name is Guyla Clayton. I  
4 live -- for 35 years I have lived on the western  
5 boundary of what will be Valley Vineyard. My  
6 property is their property line.

7 In the last 35 years we have been evacuated  
8 for fire five times. We have been completely washed  
9 out, because it's a dirt road, we have a dirt  
10 driveway, four times in 35 years.

11 They will take care of the problems on their  
12 property. My concern is personal. What happens when  
13 my driveway, which has happened four times,  
14 completely washes out and goes on to their property?

15 They have two houses proposed for along side  
16 our driveway. I'm concerned about being a bad  
17 neighbor.

18 You know, we have dirt. We can't afford to  
19 put in cement. We have five acres and most of it is  
20 unimproved. And it will, the way the -- the property  
21 goes, it will wash into those people's property.  
22 That will be making a bad neighbor.

23 And the other thing, we have had, for over  
24 14 years, Easter Sunrise Service in our front yard.  
25 Unfortunately that's where the water tank will be

1 placed, directly across from us, so that when we look  
2 to the East, we will see the water tank, however they  
3 put it. If they sink it in the ground, we won't see  
4 it; if not, it will be in the view scape. I'm not  
5 sure if that matters, but I just wanted to address  
6 that as a personal -- a personal concern.

7 I agree with everything that's been said  
8 here. I'm opposed to the project as it stands. They  
9 have a right to develop their property and if they  
10 can develop it within reason, that it fits into the  
11 rural character, I'm not against that portion. But  
12 right now it does not fit into our rural life.

13 CHAIRMAN MODUGNO: Thank you, ma'am.

14 Sir.

15 MASTER WELLS: Hello. I'm Jacob Wells and I've  
16 been a resident in Leona Valley for my entire life.

17 I'm here to speak for the several hundred  
18 youth of Leona Valley that oppose the development,  
19 the Valley Vineyard development.

20 During the early days of America it seemed  
21 as all America was rushing Westward. As people were  
22 rushing Westward they were developing many places  
23 into farm land, cities, towns and industry. These  
24 people thought that by doing so it would be good for,  
25 obviously, their profit that they would make, but



1 also as a way of taming the wild for the better of  
2 the public, of society. But there was a huge blind  
3 spot in what they thought.

4 This is where Theodore Roosevelt and  
5 John Muir came in. They came to the beautiful place  
6 in Yosemite looking at this place and not wanting it  
7 to be destroyed. They wanted it to be just the way  
8 it always was, just the way God put it there.

9 And so they understood that wild places are  
10 so powerful but so vulnerable at the same time.

11 The youth of Leona Valley and I both  
12 agree -- all agree that this is the situation with  
13 Leona Valley. We do not want our little Yosemite to  
14 be destroyed like many other places were. We want it  
15 to stay the way it is.

16 You know, living in Leona Valley your whole  
17 life, the way it is, it really -- it really starts to  
18 grow on you. You know, you start to -- you start to  
19 really appreciate everything just the way it is.  
20 That's what happens in the country. And it would  
21 really hurt us to see it be developed.

22 So I speak the truth. I'm not focusing on  
23 any laws or principles. I'm just speaking from my  
24 heart and I'm speaking for all the other hearts of  
25 kids my age, kids 5 through 18, whatever, any -- any

1 age, the old men and women, middle aged, youth. This  
2 is what we feel and that's why I'm here, that's why I  
3 spoke.

4 Thank you very much for letting me speak.

5 CHAIRMAN MODUGNO: Thank you.

6 Commissioner Helsley, do you have a  
7 question?

8 COMMISSIONER HELSLEY: A question.

9 What school do you go to?

10 MASTER WELLS: I've went to Leona Valley School  
11 for -- from kindergarten through eighth grade. And  
12 now I go to Quartz Hill High School.

13 COMMISSIONER HELSLEY: Quartz Hill.

14 MASTER WELLS: Because I was promoted from  
15 Leona Valley School.

16 COMMISSIONER HELSLEY: You were successful.

17 The -- the distance to your first school and  
18 to Quartz Hill is about how far?

19 MASTER WELLS: About two miles.

20 COMMISSIONER HELSLEY: To the -- to the  
21 elementary school, middle school?

22 MASTER WELLS: From -- from the high school I go  
23 to now.

24 COMMISSIONER HELSLEY: The high school. Okay.

25 Thank you for your presentation.

1 of urbaner (sic), I guess you'd call it, of the  
2 people their homes, was well represented when we  
3 established the Town Council.

4 We all like to see public participation and  
5 we had it there. We had 5 seats in our first Town  
6 Council, we had 13 candidates. Wouldn't you like see  
7 that sometimes today in some of our elections? In  
8 any event, we had local people who cared.

9 I can't help but say that I admire the plan  
10 that the gentleman has presented to you, particularly  
11 his water conservation program, but I think that  
12 fails to address the issue which concerns most of us.  
13 That issue is the size of the property.

14 We, after very careful thought and study,  
15 developed the plan for 2-and-a-half acres for new  
16 building. That's crucial to keeping the rural  
17 atmosphere that we so -- so dearly love.

18 It's important to us that you appreciate  
19 this lovely local loyalty, something we dream about,  
20 and we love it. If you haven't been to Leona Valley,  
21 we invite you to come up.

22 We ask you today to support our Community  
23 Standards District and deny this application. Thank  
24 you.

25 CHAIRMAN MODUGNO: Thank you.

1           CHAIRMAN MODUGNO: Thank you, very much. And  
2 I'm sure your parents are very proud of you.

3           Sir.

4           MR. MALLICOAT: Morning. I'm Bob Mallicoat.  
5 My wife and I took up residence in Leona Valley  
6 35 years ago, at the very western end of  
7 Leona Valley.

8           What you've seen here today, and I'm sure  
9 what you've observed at earlier times, was an  
10 intensity of love of our people for what we have.

11           It was my privilege to serve on the original  
12 Town Council some 20 years ago in Leona Valley. And  
13 at the same time we were creating, with  
14 Mike Antonovich's support and encouragement, a  
15 Community Standards District. It seemed like an  
16 endless process but we stuck with it for almost four  
17 years. Finally, it got down to the things that we  
18 really wanted.

19           And during that period of time we had many  
20 opportunities to test the feelings of the people in  
21 Leona Valley. My recollection is that we were  
22 looking at roughly 87 percent of our people that were  
23 in favor of our Community Standards District.

24           Over the years you've seen a great loyalty,  
25 our Town Council, which certainly personify the kind

1           And let me thank all of you who took the  
2   time to come to our meeting this morning, those of  
3   you who spoke, and also those of you who filled out a  
4   slip and decided not to speak. It was very much  
5   appreciated.

6           I think at this point we will then --

7           I'm sorry.

8           MR. CHILD: There were 22 speaker cards that we  
9   received where the speakers did not speak.

10          Would you like me to just run through and  
11   confirm that they no longer wish to speak?

12          CHAIRMAN MODUGNO: No. I think if they were  
13   going to speak they would have stepped forward; so  
14   we'll just acknowledge that they chose not to speak.

15          We're going to take another -- about a  
16   ten-minute recess at this point in time and then the  
17   Applicant will be provided with a ten-minute rebuttal  
18   period; so we'll be back just a little before 11:15.

19          (Recess.)

20          CHAIRMAN MODUGNO: Please return to your seats.  
21   Please return to your seats.

22          Mr. Gutierrez, are you going to --

23          Okay. I see we have another change in body  
24   from the -- from the Applicant side; so ten-minute  
25   rebuttal period.

1 MR. GUTIERREZ: Yes. Thank you, once again,  
2 Chairman Modugno and Members of the Commission.

3 There are a few of us that are -- that are  
4 going to speak in rebuttal on a -- on a couple of  
5 topics.

6 I think what I wanted to start out by saying  
7 again --

8 CHAIRMAN MODUGNO: If you'll just again --

9 You didn't put your name on the record.

10 But go ahead.

11 MR. GUTIERREZ: Oh, I'm sorry. Peter Gutierrez,  
12 Latham & Watkins, for the Applicant.

13 You know, I think it's important to note  
14 here, you've heard concerns about the impact of the  
15 project on things like traffic, biology. You know,  
16 there is an MND that -- that was prepared by staff  
17 that demonstrates that there is no significant impact  
18 from the project, you know, with mitigation. And,  
19 you know, that's not before you. But I think if  
20 that -- if you looked at that MND, you would be able  
21 to answer a lot of those questions that are being  
22 raised.

23 And as an example, folks are concerned about  
24 traffic on 87th Street. There's a traffic study  
25 that's been done and in -- the traffic engineer's

1 conclusions are that --

2 By the way, not all the traffic is going to  
3 go down 87th Street, most of it going to go out  
4 Bouquet Canyon Road. That's how this project is  
5 designed.

6 And according to the traffic engineer, who's  
7 here, if you have questions, there will be -- during  
8 the morning peak hour there would be an average of  
9 1 project vehicle traveling along 87th Street West  
10 every seven minutes; that's 9 two-way vehicle trips.

11 During the evening peak hour the project is  
12 expected to add approximately 12 two-way vehicle  
13 trips to 87th Street West. That's an average of  
14 1 project vehicle traveling along 87th Street West  
15 every five minutes. You have a total of two-way  
16 vehicle trips of 112 in a 24-hour period.

17 So that gives you sort of a sense of the  
18 numbers. This is not going to be a freeway.

19 You know, there was also -- there was a  
20 concern raised about protected species. There's a  
21 biological constraints analysis that's been prepared  
22 by PCR, the same company that's doing the evaluation  
23 of the SEAs for the County. And there is the  
24 environmental document which -- which looks at that  
25 and concludes there are not significant impacts.

1           I think the point is there -- you really  
2 don't have the full information in front of you  
3 about -- about the impacts; so it's -- it's -- I  
4 think it's not possible for you to fully evaluate  
5 these things. And so one of the things we'd like to  
6 have you do is -- is direct staff to -- to complete  
7 that process so that we could come back with full  
8 information.

9           There's issues been raised with respect to  
10 density.

11           I think if you look at that land use map  
12 that's up on the screen you'll see what the density  
13 is like just around where the red lettering "Land  
14 Use" is there, you can see that density, which is  
15 not -- you know, it's -- it's fairly comparable to  
16 what -- to what's proposed on the project. I mean,  
17 those -- those -- those lot sizes actually do compare  
18 pretty favorably.

19           And again, you know, when we're talking  
20 about density, you know, we're 15 percent below the  
21 maximum density. Now, maximum density is not an  
22 entitlement, we understand that. I think if you  
23 compare us to other recently approved projects with  
24 respect to maximum density, you'll see that we are  
25 much farther below the maximum density than other



1 comparable projects.

2 And there are a lot of reasons why this  
3 project should be above a midpoint density: The  
4 elaborate equestrian amenities that we've talked  
5 about, the environmental amenities that we've talked  
6 about, the advanced sewer -- I mean wastewater  
7 treatment that we've talked about, which reduces the  
8 environmental footprint of the -- of the project.

9 And we have our engineer who -- who is the  
10 expert on that system who's going to just say a few  
11 words about it.

12 So all in all, I think what we're really  
13 asking is that you allow us to work with staff,  
14 direct staff to work with us.

15 And we want to work with the Town Council,  
16 too. You know, tell the Town Council to sit down  
17 and -- and meet with us.

18 We've heard a lot of their concerns today, a  
19 lot of things have been articulated. I think a lot  
20 of those concerns have already been addressed. And  
21 I think a lot of those concerns, like traffic on  
22 87th Street, are really, if the -- if the  
23 environmental document, were -- were analyzed would  
24 show that they -- there really isn't going to be an  
25 impact there.

1           So we just want that opportunity.

2           Also, I'd like to now turn it over to  
3 Mr. Afriat to talk about outreach.

4           MR. AFRIAT: Good afternoon, or morning,  
5 Commissioners, I'm not sure --

6           Morning, Commissioners. Steven Afriat  
7 representing the Applicant.

8           We were brought on to work with the County  
9 and to work with the community early on in this  
10 project. And for the last year and a half were asked  
11 by our client to supplement his activity and  
12 community outreach.

13           First of all, on our behalf and on  
14 Bill Ford's behalf, we truly regret that there's been  
15 a gulf in terms of where we're at and where this  
16 community is at. And it's not how Bill Ford works  
17 and it's not how my firm works. And it's been an  
18 unfortunate set of circumstances that none of us  
19 would want to detail here today. We respect and  
20 appreciate that they're hard working volunteers and  
21 we want to really avail ourselves of their time and  
22 expertise and work with them.

23           My client has attended every single meeting  
24 of the Town Council since he first looked at this  
25 site but one or two where the snow did not allow him

1 to get through to the meetings.

2           There has only been one meeting with the  
3 Town Council, I'm not talking about meetings where  
4 we've gone and presented things but a meeting where  
5 we've sat across the table and interacted, and that  
6 took place in 2007. We have requested numerous  
7 meetings with them and, frankly, the only request  
8 we've gotten in all of those years was could we help  
9 them get a flag for their meeting room.

10           And I point out to you, because my client is  
11 so enthusiastic about that opportunity, that he  
12 tasked us with getting them a flag and we got them a  
13 flag that was flown over the State Capital on the  
14 anniversary of the Leona Valley Town Council. My  
15 client thinks like that and deals with community  
16 members like that.

17           We heard more today about their concerns  
18 about this project than we've had in any meetings or  
19 discussions we've had with them. And we appreciate  
20 that we've heard those things today.

21           We would now like to sit down with them,  
22 roll up our sleeves and deal with those issues, a lot  
23 of which we think could be explained to them, a  
24 lot that they might explain to us that our client can  
25 have some give and take on.

1           The Leona Valley Town Council has never  
2 taken a position on this project. It's never been  
3 agendized for a vote on what their position is on  
4 their project.

5           I would respectfully request of the  
6 Commission, and I don't want to take the time here,  
7 in your supplemental board packets I want to refer  
8 you to a June 15, 2011 letter from Robert Wood, who's  
9 a former Town Council member, about this process.

10          And -- and finally, let me just say that we  
11 hope the Commission will continue this and task us  
12 and the members of the Town Council to roll up our  
13 sleeves and work together to make this a better  
14 project.

15          Thank you very much.

16          MR. GUTIERREZ: And so I just wanted to have our  
17 expert on the waste water treatment system just say a  
18 few words, sort of in response to some of the  
19 testimony that raised concerns about -- I think  
20 they've said that Lahontan had concerns and this  
21 gentleman has been in many meetings with Lahontan; so  
22 if you'll just take a minute.

23          MR. GRABIN: Yes. My name is Steve Grabin.

24          One of the issues that was brought up was  
25 the issue of ET beds. And when I was first brought

1 into this project the developer said that he wanted  
2 to utilize a Green project and reuse water wherever  
3 necessary.

4 The ET beds are something that were -- were  
5 used many years ago. Basically, what we were  
6 leading to, rather than using ET beds, was to use a  
7 subsurface strip dispersal.

8 In Los Angeles County, Environmental Health  
9 and Building and Safety require that we do testing  
10 for a conventional drip -- I mean, I'm sorry, a  
11 conventional drain field first and prove that a  
12 conventional system will work before we design for a  
13 subsurface drip. Like any drain field or -- or  
14 dispersal system it is made to work with saturated  
15 soil; so during strong rain we will -- we would still  
16 be able to get the proper percolation necessary.

17 The other question was the question about  
18 Lahontan.

19 We've had several meetings with Lahontan.  
20 We proposed what we were doing. They actually said  
21 at our -- the last meeting that they were in favor of  
22 everything that we were doing and they -- they saw no  
23 problems with that. The main problem that they were  
24 just trying to define was the management of that  
25 system.

1           The way that we have it set up is that  
2 individual -- the individual lots would have all the  
3 treatment, simply the -- the -- the other areas,  
4 outlying areas, are the dispersal areas.

5           But I think that those address some major  
6 issues that were brought up today.

7           Thank you very much.

8           MR. GUTIERREZ: So thank you very much.

9           Again, in closing, and we appreciate the  
10 time and effort that you've put into -- to looking at  
11 this case. And you know, staff has put in a lot of  
12 time as well. And, you know, certainly the community  
13 members have come down here and it's a long trip for  
14 them and so we appreciate that.

15           And we ask that you would continue this  
16 case, direct staff to work with us, direct the  
17 Council to work with us, and roll up our sleeves  
18 and -- and let's come back to you when we're ready  
19 with something that has an environmental document and  
20 where we can sort of all compromise and do this the  
21 right way.

22           Thank you very much.

23           CHAIRMAN MODUGNO: Thank you.

24           Are there questions of the Applicant or  
25 staff?

1           Don't leave, I have -- I do have a question.

2           MR. GUTIERREZ: Okay.

3           CHAIRMAN MODUGNO: Before we get into Commission  
4 discussion, I think -- and I think Mr. Ford might be  
5 the one who's going to answer the question for us, I  
6 see we have three options, and I'm going to sort of  
7 leave it to you to give some guidance to us.

8           One option is to act on staff's  
9 recommendation and that's deny the project. If the  
10 project is denied, you have the right to appeal this  
11 project to the Board of Supervisors. The project  
12 literally then stays largely intact. There may be  
13 some tweaking of it between now and the point in time  
14 that you choose to -- to appeal it.

15           At the Board level, you'd have a similar  
16 hearing. The Board then would make the decision to  
17 either sustain our denial or they might kick it back  
18 to staff and kick it back to us again to look at some  
19 revisions.

20           By the same token, and I don't know how the  
21 other four Commissioners feel this morning on this  
22 project, we could direct and provide a short  
23 continuance, again liking the project largely as it  
24 is, and -- and direct staff to work with you and come  
25 back with some modest changes and a complete project

1 and conditions of approval, which would also have to  
2 include some environmental documents and some other  
3 supporting things with it.

4 But I think that's sort of running the test  
5 to see our reaction.

6 The third option, and I think it's one that  
7 staff has laid on the table all along, and as echoed  
8 by the director this morning, is a fundamental  
9 redesign of this project. And fundamental redesign  
10 looking at the grading, looking at the density and  
11 clearly looking at the commercial application of  
12 the -- the vineyards and the open space use of those.

13 And that is not a project that in my opinion  
14 even remotely resembles what's in front of us this  
15 morning. It's a fundamental change to that project.  
16 And I think that's what staff has been trying to --  
17 to direct all along.

18 If that is the case, and you're willing to  
19 go back, I think then there's also coming to us and  
20 saying we're interested in a fundamental redesign and  
21 we would, like six months, nine months, a year, take  
22 it off calendar, and let's really rethink this  
23 project as it's presented.

24 And so before we sort of get into  
25 discussion, I see those as the options.



1           The first is a known one, which would be a  
2   denial that goes on to the Board for approval. The  
3   other option is really taking this back as a  
4   fundamental redesign, how much time you'd want own  
5   it. I think the third one, and that's sort of the  
6   roll of the dice, is is this Commission inclined  
7   to -- to ask staff to work with you of coming back  
8   with conditions for approval of a project that  
9   largely resembles the present project. It might be  
10  some -- some minor tweaking but not the fundamental  
11  sort of tweaking.

12           So it's -- it's we either take action this  
13  morning on what's in front of us, or you're prepared  
14  to ask for a longer continuance and a complete  
15  redesign; so if you want to take a couple seconds to  
16  sort of huddle on that.

17           We've asked for a three-minute recess and so  
18  we'll take a three-minute recess.

19           (Recess.)

20           CHAIRMAN MODUGNO: Call the meeting back to  
21  order.

22           All right. Mr. Gutierrez, or Mr. Ford,  
23  either one of you may address this.

24           MR. FORD: That's a tough one because, again,  
25  the synergy.

1 I'd love to take number 2, quite frankly,  
2 because I think that's where we could go, but I'm  
3 perfectly willing to go with number 3, under a couple  
4 of --

5 I've got a couple of questions for you,  
6 though, because number 3 probably is going to lose  
7 the sustainability, it's gone.

8 What we're doing is we're getting back to  
9 plain vanilla projects. We've got a cluster in a  
10 corner, we've got to give you some green area over  
11 here, you can't plant it, you can't do this, put the  
12 streets the way -- you know, if that's what the -- if  
13 that's what the County wants for land development,  
14 then I guess that's what we do for land development.

15 If you want the sustainability, if you want  
16 the low impact developments, if you want the Green  
17 features, then you have to instruct staff and the  
18 community that we're looking for that too. We need  
19 some leadership here.

20 We just talked with Regional Planning, they  
21 said first thing off the table is going to be  
22 vineyards. Gone. All right. So the vineyards are  
23 now gone. That's where we start.

24 The second thing we start is making smaller  
25 lots. Not larger lots, smaller lots. I don't know

1 how the Town Council is going to go with that but you  
2 just heard that they want larger lots; so now we're  
3 caught in the grind again.

4 It's a shame. It's a shame.

5 So I guess with some direction from this  
6 Planning Commission and to staff and to the community  
7 as to what they would like to see, some parameters  
8 from which to work in, I'm more than happy to do  
9 that. I've always been happy to do that. I'm more  
10 than reasonable to work with staff and/or the Town  
11 Council.

12 The Town Council, if they'll just meet with  
13 me, I am -- they don't want to meet with me.

14 As far as the staff goes, it's -- it's -- a  
15 lot of times it's my way or the highway and that's  
16 not --

17 Can we craft this within current Code? A  
18 lot of the big issues are not Code issues, they're  
19 subjective issues.

20 MR. GUTIERREZ: Well, and I if I can I just say  
21 one -- just add to that.

22 The vineyard is -- it's a central theme and  
23 concept of this; so, you know, I think on that front  
24 we would, you know, want some direction as to whether  
25 or not that concept is one that your Commission is

1 supportive of because, you know, I think the position  
2 of staff is they just -- they want to -- they want it  
3 eliminated.

4 CHAIRMAN MODUGNO: Well, I think again, and not  
5 getting into --

6 Because I don't want us to sit here --

7 COMMISSIONER HELSLEY: And I agree.

8 CHAIRMAN MODUGNO: -- and define a project.

9 The two issues that strike me as far as a  
10 vineyard, and I like sustainability, clearly, I like  
11 the Green features. I understand the question,  
12 though, of a private system that is going to do water  
13 treatment and then put that water back out, and I was  
14 just speaking to Commissioner Valadez, I remember as  
15 a little kid growing up and we had orange groves all  
16 around us. My favorite past time was to go in the  
17 orange groves and redirect the irrigation channels.  
18 They were my play field.

19 I'd make little paper boats, I'd run them  
20 along the thing, I'd do some things until the  
21 supervisor came and ran me out. And that was fine.  
22 I would go mess up my grandfather's things where he  
23 was doing his irrigation. But it was -- again, it  
24 was just a little thing kids do.

25 You've got water that's not necessarily --

1 stays to the same public standards and goes through  
2 inspection. I would guess, looking at Public Works  
3 and looking at Health and some things on a private  
4 system it meets that and if something goes awry, and  
5 I think that there's got to be some real -- a lot  
6 more work done on that.

7 I'm not satis- -- I'm not wanting to get to  
8 the point of yeah, we've done it, or not done it, but  
9 how that has got to work through. But that, then, is  
10 a key element that goes part and parcel, I think,  
11 with the vineyards.

12 And so that's not something we can decide.  
13 We rely upon technical people. If Public Works and  
14 Health sign off on it and said look, this is the best  
15 thing since sliced bread, and the bio-swales work and  
16 in that 100-year flood, you know, all that system  
17 doesn't get washed away or contaminated, but we have  
18 not seen any of that technical evidence at this  
19 point.

20 So I guess, to me, the environmental  
21 document that should support this that's not here may  
22 have it all in it. And maybe staff has seen it. But  
23 again, part and parcel with the recommendation,  
24 clearly is -- our belief is that they've read through  
25 those and you understood them.

1           So I think from a -- from a standpoint of  
2 going back with staff and coming up with fundamental  
3 changes that are acceptable to staff and the Town  
4 Council, and that may or may not include the  
5 vineyard, I'm not saying it should or shouldn't, I  
6 think it's got to come back to us again, addressing  
7 the safety of it, addressing the commercial use on an  
8 open space, is that permissible or not, and the  
9 number of the density on the project.

10           And if they're saying well, let's do that,  
11 then I'm prepared, at least from my standpoint, I  
12 don't know about the other four Commissioners, I  
13 think let's let it go and come up with a -- you know,  
14 get to have comments back and forth, if there's any  
15 other guidance from the Commission, and some --  
16 either take it off calendar or some extension.

17           But it may be a project, Mr. Ford, as you've  
18 sort of indicated, it may be a plain vanilla sort of  
19 little subdivision hillside management overlay, may  
20 or may not even need a Conditional Use Permit, and it  
21 may not be what you want to do. And it's not the  
22 type of project or quality that you personally want  
23 to handle and you say let's get the entitlements and  
24 I'll sell it to somebody who can come in and just  
25 sort of build those little homes and -- and be done

1 with it. That's one aspect.

2 If you firmly believe that this is what you  
3 want and it's your vision and view of this, then I  
4 think you roll the dice and -- and take the lumps.  
5 And if that's denial, then take it to the Board of  
6 Supervisors and -- and get their -- their approach.

7 I think that we've got to do our job. And  
8 our job is this project, as it's presented with  
9 staff's recommendation, clearly doesn't meet our  
10 expectation as something that we, as a land use body,  
11 can approve at this point.

12 VICE CHAIR VALADEZ: I concur that at this point  
13 I don't believe that we could do anything other  
14 than -- I would -- I would not do anything other than  
15 support staff in their recommendation to deny.

16 And I think you're being very generous with  
17 your offer to allow them to work again with staff;  
18 however, I feel that I personally do not see how we  
19 would be able to integrate the vineyards into an open  
20 space area without creating a real issue, not just  
21 for this project but for future projects as to what  
22 "open space" means. And believe me, the onslaught on  
23 open space and what "open space" means would just be  
24 a door through which everyone would attempt to walk.

25 Secondly, I'm very concerned about a private

1 system and I'm very concerned about a system which,  
2 if I were to even consider approaching an approval of  
3 a brand-new system, there would have to be a  
4 significant amount of previous use of this system for  
5 long term. And that would be that we would want to  
6 see other communities, how it has worked, what kind  
7 of systems, sizes of systems, and I would want  
8 Public Works to do that type of an investigation of  
9 any kind of a system because ultimately if the system  
10 fails, the community in Leona Valley and the  
11 individuals who live there will say the County of LA  
12 approved it and that means the County of LA will be  
13 responsible in the litigation that comes forward when  
14 it fails.

15 I understand that you want a Green project  
16 and we do too. We have a Green Ordinance. And, you  
17 know, we encourage people to do more than the Green  
18 Ordinance requires.

19 I appreciate your thinking outside of the  
20 box, but that doesn't always work in some  
21 communities. And if you were willing to understand  
22 that significant changes mean significant changes and  
23 significant changes mean that we see significant  
24 changes early, I would not want to say that we had a  
25 continuance for a year if, in fact, we didn't have



1 something that came back in a short period of time to  
2 say that, in fact, we were moving forward with  
3 significant changes and a -- and a -- and a  
4 negotiation that would put those significant changes  
5 on the table and come back to us and we would get  
6 some kind of -- we've done it before where staff  
7 comes back -- comes back and tells us that they feel  
8 that they're moving forward and we should continue  
9 the continuance for an additional period of time.  
10 Because if we just say a year, then we could have  
11 this language for an additional year with no one  
12 doing anything to really move anything forward. And  
13 so that's my position.

14 CHAIRMAN MODUGNO: Mr. Helsley.

15 COMMISSIONER HELSLEY: Mr. Chairman, I assume  
16 we're under discussion, Commission discussion?

17 CHAIRMAN MODUGNO: Well, to a point.

18 COMMISSIONER HELSLEY: You posed a question and  
19 I didn't hear --

20 CHAIRMAN MODUGNO: Yes. I think what they're  
21 getting is a sentiment of Commissioners at this point  
22 in time which may modify but I've not dismissed --

23 COMMISSIONER HELSLEY: Okay.

24 CHAIRMAN MODUGNO: -- the Applicant at this  
25 point in time.

1           COMMISSIONER HELSLEY: Okay. So I will tone my  
2 comments a little bit accordingly.

3           I'm a very strong supporter of open space.  
4 I do not see vineyards as open space.

5           As I take and look at --

6           No, no, no, no, no, no.

7           As I take and look at the situation of  
8 driving up Highway 101, a lot of open space, no.  
9 There is a lot of planted vineyards which are  
10 commercial. And I think this is a major concern I  
11 have.

12           I grew up in Northern San Diego County in a  
13 lemon/avocado orchard and I know that the watering  
14 characteristics of that are very similar to what -- I  
15 played in the furrows, I tended -- tended the water,  
16 made boats, transplanted little weeds to make an  
17 orchard and this sort of thing while I was tending  
18 the water to make sure that it got all the way  
19 through the furrows to the end of the row.

20           And it was a situation where that orchard  
21 was somewhat open space but it was not open space as  
22 you would find the open terrain, the movie background  
23 that is visible and available.

24           And so I don't see the vineyard -- it is a  
25 planted row pattern. It has tractors that move

1 through it. It has sprays that go on it. It has  
2 weeding that has to occur on it. And it has a  
3 harvesting program that is intense. And so I don't  
4 see that as -- as open space.

5 The aspect of the wastewater treatment  
6 facility, and I've had a discussion with Public Works  
7 in relation to that, I've had a concern with staff on  
8 that process.

9 I was a director of a Municipal Water  
10 District for 20 years. We had a community, quote,  
11 septic system, available within that water district.  
12 Actually, we had three. Two of them failed, I  
13 know -- know directly. And it -- the -- the third  
14 one is still out there with a lot of problems.

15 And who takes responsibility for it? The  
16 County has to take responsibility for it, the Water  
17 District has to take responsibility for it, the --  
18 not -- not necessarily the community. And so the  
19 establishment of that by LAFCO, or by the Health  
20 Department has been, as far as I'm concerned,  
21 something that is not to be modeled, in effect.

22 A different process? Hey, I am interested  
23 in that, I'm all for water reuse, and I -- and I  
24 believe very strongly in water reuse. But I'm -- I  
25 don't see this system as meeting that need.

1           The aspect of this being a CUP says that  
2   there's a special characteristic to it and that  
3   special characteristic I have not seen being fully  
4   met.

5           I like the idea of the rural community.  
6   We're going to have a lot of impact on a rural  
7   community. What has the least impact on the rural  
8   community is probably clustering, leaving large areas  
9   of open space, maintaining ridgelines that are  
10   significant to the community so that they are not  
11   impacted. That is -- is, I think, very, very  
12   important.

13           In Gardena, as a -- as a youth, Gardena,  
14   California, I had the opportunity to visit  
15   grandparents. And in the backyard there was a --  
16   probably a 6-inch pipe going through the backyard  
17   with a 3-inch stand pipe on it and a small faucet. I  
18   was told never drink out of that faucet because it  
19   was a reclaim system that was someplace, and I  
20   never -- never found out from where, but it did allow  
21   for a tremendous irrigation and a tremendous  
22   vegetation. There was corn fields and this type of  
23   thing were supported by that.

24           And so I -- the innovation I'm very  
25   interested in. But what is sustainable, I'm not sure

1 there's really anything sustainable other than the  
2 open space brush land as sustainability. As soon as  
3 man comes into it, it's no longer sustainable, it's  
4 just -- that's just an oxymoron in use.

5 So I guess this gets down to where am I in  
6 relation and what kind of position I would recommend  
7 is -- is a fundamental redesign. I -- I think that's  
8 where it goes.

9 CHAIRMAN MODUGNO: Mr. PEDERSEN.

10 COMMISSIONER PEDERSEN: Mr. Gutierrez, you said  
11 that -- or indicated to me, the way I read it anyway,  
12 that without the vineyard it's -- you know, it's a  
13 no-go, you have to have the vineyard as part of the  
14 project. Is that what you said?

15 MR. GUTIERREZ: No, I don't think I said that.

16 I think -- I said I think that the vineyard  
17 is a -- is a fundamental feature here. I think it's  
18 Mr. Ford's call if -- if the vineyard comes out or  
19 not. I mean, the project can be redesigned without  
20 it.

21 COMMISSIONER PEDERSEN: Well, okay. Maybe I  
22 mis- -- misunderstood it.

23 MR. GUTIERREZ: Yeah. No, no, no.

24 I said as it's designed now, it's designed  
25 around that sort of, you know, marrying of the

1 residential and the agricultural uses. And it is  
2 something that's unique and it's -- it's unique in  
3 this County.

4           And I understand that there's some  
5 hesitation about it because, you know, as -- as I  
6 think as Commissioner Valadez has pointed out, it  
7 creates some type of a precedent; however, we believe  
8 that that precedent is consistent with a lot of the  
9 County's planned policies that promote, you know,  
10 agricultural uses, that promote retaining those kinds  
11 of uses on a particular Leona Valley sort of vision  
12 for what that community is which is, you know,  
13 agricultural and rural.

14           So -- so I guess my point was that's why it  
15 was integrated and made a prominent part of this  
16 community because I think Bill's vision was that, you  
17 know, this -- this would be a very innovative and  
18 unique way to take the two and to put them together.

19           COMMISSIONER PEDERSEN: Yes. Well, that's the  
20 question that I was trying to get to previously was  
21 how you determined the amount of acreage for the  
22 vineyard; so, I mean, that -- so the -- the acreage  
23 is not something that's -- that's set in stone and  
24 it's not -- so it's not -- you know, it's not  
25 dependent on the recycling, the brown water

1 recycling, I mean, it's so -- so it's a -- something  
2 that's totally separate.

3 I'd like to ask staff a question.

4 Is the -- are we setting precedent here? Is  
5 there any other precedent where an agricultural  
6 property or that is going to be growing -- that grows  
7 crops for commercial sale or sell to offsite, is  
8 that -- has that happened and been deemed as open  
9 space in the --

10 Do we have any other similar situations of  
11 this at all in the County?

12 MR. SACKETT: Commissioner, my -- my personal  
13 experience, I've had one project that also proposed  
14 vineyards within the open space, that was also a  
15 non-urban hillside management project, but they were  
16 for private consumption, they were not commercial  
17 vineyards. These are proposed as commercial  
18 vineyards.

19 COMMISSIONER PEDERSEN: Okay. Okay. And I'm  
20 not going to --

21 As far as the waste water treatment plant,  
22 you know, I've -- when I was with the Supervisor's  
23 Office, I worked very closely with Dina Stafu  
24 (phonetic), who recently retired, on the recycling  
25 program for LA County and I'm a big believer in

1 recycling water.

2 And like Commissioner Helsley, I -- I am not  
3 an engineer so I can't -- I can't -- I don't know if  
4 this is -- if this project -- if this is proj- -- if  
5 this is feasible or not feasible, but I'd surely like  
6 to get more information and delve into that more  
7 because it does seem to be interesting.

8 So okay. That's all the questions I have.

9 CHAIRMAN MODUGNO: So I guess then now it goes  
10 back to you.

11 Oh, I'm sorry, Commissioner Louie.

12 COMMISSIONER LOUIE: I wish I had a story  
13 talking about my youth running around farm fields and  
14 directing irrigation water but I don't. We were  
15 inner city and I played in the gutters. No boats  
16 going down the hill.

17 You know, real estate developers are a very  
18 interesting group and -- and we are much better for  
19 having them. They -- many times they see things that  
20 other folks don't see. Our Downtown area, there was  
21 a fellow by the name of Geoff Palmer looked Downtown  
22 and said I believe that there's -- market rate  
23 housing would be successful.

24 No one had done it in 40, 50 years. And  
25 that was 25 years ago. And we've seen 30,000 units



1 developed, great success, a rejuvenation of our  
2 downtown. Nobody else saw it except Geoff.

3 Mr. Caruso, residential over retail,  
4 town-center concept. I think his Grove and The  
5 Americana would be looked upon as being successful.

6 Vineyards in the residential? I'm not the  
7 visionary. I don't see that. And -- and I think the  
8 question comes up, the Town Council, the staff, at  
9 the department, Regional Planning staff, have said  
10 no, that it doesn't work that way, we don't see that.  
11 And now you're before the Regional Planning  
12 Commission, and Peter has posed a question asking the  
13 Commission to instruct staff to work with the  
14 Applicant.

15 My sense is really that the Applicant has to  
16 understand that he needs to work with the department,  
17 he needs to reach out to the community. And my  
18 question would be whether it is us, the Commission,  
19 that needs to give another no, or whether we should  
20 simply say no and allow the Applicant to go to the  
21 Supervisors, the Supervisors, to get the same no and  
22 to be instructed to work with Regional Planning.

23 So my inclination is to deny and to allow  
24 the Supervisors to give the final no, to instruct to  
25 go back and start working.

1 CHAIRMAN MODUGNO: I guess the sentiment that  
2 you heard from us is that probably it's option 1 or  
3 option 3, and option 2 is probably a distant memory.

4 And that option 3 would be a major  
5 fundamental redesign of this project with the  
6 Applicant -- I think Commissioner Louie stated it  
7 very well, the Applicant working with staff versus  
8 staff working with the Applicant.

9 And I think also it means if we go that  
10 route, a fairly short -- shorter versus longer  
11 continuance; so it's sort of 1 or 3.

12 MR. FORD: May I just clarify one thing on the  
13 septic -- on the waste --

14 CHAIRMAN MODUGNO: Actually, I think we don't  
15 want to get -- let's not get into that.

16 So do you want to get for a fundamental  
17 redesign with a continuance and lay out a date?

18 And again, we'll put that on the agenda. We  
19 may not even get three votes, but it needs three to  
20 do that, and if that doesn't pass, then it would go  
21 towards denial.

22 So just your sentiment in terms of  
23 fundamental redesign.

24 And you've heard from us and you've heard  
25 from staff and you've heard from the -- the

1 community.

2 MR. FORD: I'll -- I'll accept door number 3.

3 CHAIRMAN MODUGNO: Okay. Okay. Great.

4 So I will now dismiss the Applicant and I  
5 guess it's up to -- to the Commission.

6 And we could go with a denial or we could  
7 go with a continuance, directing the Applicant to  
8 work with staff with a fundamental redesign of this  
9 project. And I don't want us to sit here and  
10 redesign it.

11 COMMISSIONER HELSLEY: Mr. Chairman.

12 CHAIRMAN MODUGNO: Yes. Commissioner Helsley.

13 COMMISSIONER HELSLEY: I think that there are  
14 some real advantages of following staff's direction.

15 Number -- number 1, it gives the Applicant  
16 the ability to take it before the Board of  
17 Supervisors to see if he can press the issue.

18 I think that -- that if we go with the  
19 continuance of and -- with the direction that -- a  
20 fundamental redesign, and I think it goes to your  
21 midpoint that you're talking about, I think that  
22 that --

23 We've worked on this project -- staff has  
24 worked on this project since 2007. I -- I like the  
25 thinking outside the box, but I don't see where it

1 has been fully implementable at the present time.

2 And thus, I'm -- I'm afraid I support staff's  
3 recommendations.

4 CHAIRMAN MODUGNO: Okay. Commissioner Valadez.

5 VICE CHAIR VALADEZ: I'm going to move that the  
6 Regional Planning Commission close the public hearing  
7 and deny Vesting Tentative Tract Map Number 066952  
8 and deny Conditional Use Permit 2007-00038 subject to  
9 the attached findings.

10 COMMISSIONER HELSLEY: Second.

11 CHAIRMAN MODUGNO: I have a motion and a  
12 discussion. I'm sorry, a second.

13 Any discussion? Or motion?

14 All in favor say aye.

15 VICE CHAIR VALADEZ: Aye.

16 COMMISSIONER HELSLEY: Aye.

17 COMMISSIONER LOUIE: Aye.

18 CHAIRMAN MODUGNO: All opposed.

19 And I'm going to oppose it.

20 COMMISSIONER PEDERSEN: Opposed.

21 CHAIRMAN MODUGNO: All right. So it passes with  
22 a denial 3 to 2.

23 And my reason for opposition, and I assume  
24 Commissioner Pedersen's as well, would have been to  
25 try and allow, again because of the substantial

1 investment which is here on the part of Applicant.

2 But again, I think as this goes to the Board  
3 of Supervisors on appeal of the denial then we'll get  
4 some sentiment from the Board of Supervisors. And I  
5 think there is a policy question on that in terms of  
6 use of open space and I think that's really beyond  
7 our land use sort of -- sort of purview because that  
8 does set a huge precedent.

9 VICE CHAIR VALADEZ: I actually believe that  
10 that's the best way in which to move right now.

11 I think that there are some fundamental  
12 issues here that for us to then put them through all  
13 this redesign and then send them to the Board of  
14 Supervisors and go through another redesign, I think  
15 it's time for them to go to the Board of Supervisors  
16 and see what -- whether these issues are as important  
17 at that level as they are here.

18 CHAIRMAN MODUGNO: Yes. So we've got a majority  
19 of the Council -- of the Commission has voted to deny  
20 this project as presented.

21 The appeal period, Mr. Child?

22 MR. CHILD: The appeal period -- the last day to  
23 appeal, excuse me, will be July 11, 2011.

24 CHAIRMAN MODUGNO: Okay. Great.

25 Again, thank you all for your participation

1 this morning. We will conclude this portion of the  
2 meeting.

3 We're going to take a two- or three-minute  
4 recess to allow those of you on item 6 to leave the  
5 room, you're certainly welcome to stay, and then  
6 we'll pick it up on item 7 in about -- let's pick it  
7 up at noon.

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2 I, the undersigned, a Certified Shorthand Reporter of  
3 the State of California, do hereby certify:

4 That the foregoing videotaped proceedings  
5 were transcribed before me at the time and place  
6 herein set forth; that a verbatim record of the  
7 videotaped proceedings was made by me using machine  
8 shorthand, to the best of my ability, based on the  
9 quality of the videotape, and same was thereafter  
10 transcribed under my direction; further, that the  
11 foregoing is an accurate transcription of said  
12 videotaped proceedings, again, to the best of my  
13 ability, and not having personally been in attendance  
14 at said videotaped proceedings.

15 I further certify that I am neither  
16 financially interested in the action nor a relative  
17 or employee of any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20

21 Dated: \_\_\_\_\_

22

23

24

25

\_\_\_\_\_  
LAURIE HELD-BIEHL, CSR, RPR, CRR  
CSR No. 6781





# LATHAM & WATKINS LLP

June 9, 2011

Los Angeles County Regional Planning Commission  
Los Angeles County Department of Regional Planning  
320 West Temple Street  
13<sup>th</sup> Floor  
Los Angeles, CA 90012

Re: Valley Vineyards – Tract No. 66952  
Public Hearing Scheduled June 29, 2011

Honorable Chairman Modugno and Members of the Commission:

On behalf of our client Valley Vineyards LLC (“Applicant”), I am writing to express deep concern about proceeding with a public hearing on Tract No. 66952 (the “Project”) because of the fact that the environmental document is not yet complete and two County departments have placed holds on the case. We believe, based on the record, that the Commission’s has expressed its clear intent to hear this Project after the environmental document is complete and when the case is ready. Without an environmental document, your Commission lacks complete information to evaluate the Project. Projects are simply not scheduled for public hearings until applications are complete, which means all department holds are lifted and an environmental document has been prepared and is ready for review. Yet, Department of Regional Planning (“Planning”) staff insist that a public hearing on this Project proceed on June 29, 2011, despite our efforts to temporarily postpone that hearing and in light of the fact that County staff recently requested additional documentation which is being prepared by the Applicant as directed.

When we appeared before you on June 1, 2011, you directed staff to work with the Applicant’s representatives with respect to our request for a continuance noting that such matters are appropriately resolved through negotiations between staff and an applicant. What we received instead of a discussion or negotiation was a unilateral declaration that the case would proceed on June 29, 2011. (See Attachment A.) We believe that to proceed with a public hearing despite the two department holds and lack of an environmental document deprives the Applicant of the ability to have a fair and impartial hearing on the Project in violation of the Applicants substantive and procedural due process rights.

355 South Grand Avenue  
Los Angeles, California 90071-1560  
Tel: +1.213.485.1234 Fax: +1.213.891.8763  
www.lw.com

## FIRM / AFFILIATE OFFICES

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File No. 049898-0000

**LATHAM & WATKINS<sup>LLP</sup>**

**The Case is Not Ready to Be Heard By Your Commission**

Recent events provide ample evidence to conclude that this Project is not ready to come before your Commission. Specifically,

- *On February 9, 2011, County Planning staff sent a letter to the Applicant indicating the application was incomplete. (Attachment B.) The letter indicates that after the receipt of conditions from the Subdivision Committee at its March 3, 2001 meeting, the Applicant would be notified whether additional information was required or whether "all department holds have cleared and your project is ready to be scheduled for public hearing." Interestingly, the day on which staff was going to know whether or not the "project is ready to be scheduled for a public hearing" was the day after a scheduled March 2, 2011 hearing at your Commission.*
- *On March 2, 2011, staff appeared before your Commission to ask that the Project public hearing be continued in part because the environmental document was "still pending staff review." The Subdivision Committee meeting scheduled the following day was not mentioned. Although staff said they were waiting to hear back from the State Clearinghouse with respect to the environmental document, in fact, the environmental document had not even been submitted to the State Clearinghouse at the time the statement was made and to date still has not been submitted to the State Clearinghouse. Currently, the environmental document remains pending due to holds placed on it by County staff.*
- *On March 9, 2011, the Department of Public Works ("Public Works") placed a hold on the application due to issues related to the proposed onsite wastewater treatment system ("OWTS"), including clarification with the Department of Public Health ("Public Health") concerning the roles of the respective departments in approval of the system. (Attachment C.) This hold has not been lifted.*
- *On March 11, 2011, the Applicant was notified by Public Health that two prior letters dated May 28, 2010 and November 12, 2010, which postponed compliance with certain OWTS conditions, were being rescinded. (Attachment D.) Public Health stated that it could not recommend approval of the tentative map until concerns relating to establishment of a service district were resolved to the satisfaction of the County; these concerns have yet to be resolved. This determination also placed a hold on the application.*
- *On May 3, 2011, Public Works asked for an additional study concerning the lifetime costs of the OWTS to individual lot owners during a meeting between the Applicant, Public Health, Public Works and the Lahontan Regional Water Quality Control Board ("RWQCB") to discuss long term maintenance of the OWTS and other OWTS issues. At this meeting, Public Works indicated that its hold could*

not be lifted until the report was submitted and approved by them. Public Health was prepared to remove their hold in light of the Applicant's proposal for the long term maintenance, but was reluctant to do so until after Public Works has reviewed the requested report. The Applicant is working on that study which involves engineering of the proposed system, input from the maintenance company as well as information from the manufacturers of system components. The report is expected to be completed by the end of June, but will necessarily require review by Public Works, Public Health and the RWQCB before the department holds can be lifted.

All of these recent events illustrate the fact that the Project is simply not ready to be heard by your Commission. As you know, the environmental document for a project is a critical piece of evaluative and analytic evidence without which decision makers do not have a complete file before them. It is a long standing County policy that cases are not scheduled for public hearing until the environmental document is complete. Without complete information, here critical environmental information, your Commission does not have a full picture of the potential environmental effects of a project or how such potential effects are addressed.

#### **A Continuance Is Necessary In Order To Promote Fairness and Due Process And Avoid Prejudice to the Applicant**

A public hearing is an evidentiary proceeding at which individual rights and interests are adjudicated. Here, the rights of the Applicant to a fair hearing are implicated. Actions by a decision-making body at a public hearing are subject to due process considerations including providing a fair hearing to an applicant. Since a public hearing is an opportunity for the Applicant to present evidence in support the Project, the deprivation of the ability to fully present evidence supporting an application constitutes a deprivation of due process.

Here, the Applicant is being compelled to present its case before the Commission in the absence of environmental documentation which is currently held up in the hands of County staff. To make things worse, as recently as May 3, 2011, Public Works asked for additional information from the Applicant without which its hold cannot be lifted. Public Works and Public Health placed holds on the application making it impossible for the Applicant to present a complete case as it does not know what the outcome of the further evaluation by Public Works and Public Health will be or what, if any, additional mitigation measures may be requested. All told, the missing documentation will make it impossible for the Commission to fully evaluate the merits of this land use case and prevent the Applicant from receiving a fair hearing to which it is entitled.

*Your Commission recognized the need for additional time to complete the Project evaluation.* On June 1, 2011, we appeared before your Commission to request that the June 29, 2011 hearing be continued because the case is not ready to come before you. At that time, you told staff that cases come to your Commission when they are "ready." At your March 1, 2011 meeting the project hearing was taken off calendar in recognition of the fact that the case was not "ready" because the environmental documentation was not ready. Clearly, without an

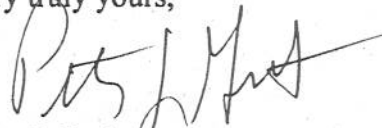
LATHAM & WATKINS LLP

environmental document and with two department holds, the case is not "ready" to come before you. Yet, instead of discussing a continuance of the public hearing with the Applicant as suggested by your Commission, we received a unilateral declaration by staff that the case would proceed on June 29<sup>th</sup>. (Attachment A)

It is patently unfair to compel the Applicant to proceed while two County departments have placed holds on the case and without an environmental document. These circumstances create severe prejudice and compromise the Applicant's ability to receive a fair and impartial hearing since the Commission will not have a complete file to consider. The Commission would be placed in a position where it could only deny or continue the case.

While we apparently have no choice but to be as ready as we can to proceed with the public hearing on June 29<sup>th</sup>, we believe that our ability to receive a fair a hearing at that time has been severely compromised.

Very truly yours,



Peter J. Gutierrez  
of LATHAM & WATKINS LLP

Enclosures

cc:

Edel Vizcarra, Planning Deputy  
Fifth Supervisorial District

Sorin Alexanian, Deputy Director  
Department of Regional Planning

Susan Tae, Supervising Regional Planner  
Department of Regional Planning

Jodie Sacket, Senior Planner  
Department of Regional Planning

Patricia Keane, Esq., Principal Deputy County Counsel  
Office of County Counsel

Bill Ford

Damon Mamalakis, Esq.



## Gutierrez, Peter (LA)

---

**From:** Tae, Susan [stae@planning.lacounty.gov]  
**Sent:** Wednesday, June 01, 2011 11:51 AM  
**To:** Gutierrez, Peter (LA)  
**Cc:** Paidar, Nooshin; Pkeane@counsel.lacounty.gov; billf@laurendevelopment.com  
**Subject:** RE: Valley Vineyards - Follow-up Meeting Request

Hi Peter,

Based on the Commission discussion today, staff will be moving forward with preparing the project for the Commission to hear on June 29. As we've been in discussion regarding these issues for some time, at this point I think it makes more sense to forward any additional information or exhibits you'd like us to consider as we prepare these hearing materials. As discussed this morning, the distribution of hearing packages will be on June 16 so certainly the sooner you provide the better, especially if new information is being provided. All of the materials provided to date will also be made available to the Commission.

Please let us know if you have any questions.

Thanks

Susan Tae, AICP  
Supervising Regional Planner  
Zoning Permits North  
Department of Regional Planning  
320 W. Temple Street  
Los Angeles, CA 90012  
<http://planning.lacounty.gov>  
213-974-6443



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**From:** Peter.Gutierrez@lw.com [mailto:Peter.Gutierrez@lw.com]  
**Sent:** Tuesday, May 31, 2011 11:43 AM  
**To:** Tae, Susan  
**Cc:** Paidar, Nooshin; Pkeane@counsel.lacounty.gov; billf@laurendevelopment.com  
**Subject:** Valley Vineyards - Follow-up Meeting Request

Susan:

As you may recall, due to the press of our various schedules, our last meeting on May 10<sup>th</sup> ended before we could discuss the clustering issues related to the project.

Bill and I would like to have a follow-up meeting to complete the clustering issue discussions and to present some additional graphics which Bill has prepared depicting the areas of the tract to remain in their natural condition.

We are available to meet at your earliest convenience.

Peter

**Peter J. Gutierrez**

**LATHAM & WATKINS** LLP

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\*\*\*\*\*  
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Latham & Watkins LLP







Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

February 9, 2011

JOHN L ALLDAY  
THE VINEYARDS  
PO BOX 790  
AGOURA HILLS CA 91376

**SUBJECT: TENTATIVE TRACT MAP NO. 066952  
NOTICE OF INCOMPLETE FILING**

Dear Mr. Allday:

An initial review of the materials submitted for this project indicates that your application is incomplete.

Your project has been scheduled on the March 3, 2011 Subdivision Committee Agenda for receipt of conditions from the Subdivision Committee. You are not required to attend this meeting. Subsequent to the meeting, the planner assigned to your project will notify you whether additional information is required for processing, or all department holds have cleared and your project is ready to be scheduled for a public hearing.

Please note that any zoning violations on the property discovered after the filing of this case may affect the scheduling of a public hearing pursuant to the "Clean Hands" provisions of the County Code in Section 22.04.110.

Please do not hesitate to call me at (213) 974-6433 if you have any questions or if I can be of further assistance. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. (closed on Fridays). We are located in Room 1382 in the Hall of Records.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING

Richard J. Bruckner

Director

Gloria Taylor

Land Divisions Section

c: Richard Doss/Pacific Coast Civil, Inc.



Date 03/09/11

TO: Susie Tae  
Department of Regional Planning

Attention Alejandrina Baldwin/Carolina Blengini/Ramon Cordova/Gunnar Hand/  
Josh Huntington/Mi Kim/Donald Kress/Jeff Lemieux/Jodie Sackett/  
Kim Szalay

FROM: Henry Wong/John Chin  
Department of Public Works

TRACT NO. 66952

- ☒ Public Works' report for NO SCM map dated 02/03/11.
- ☐ Revised Public Works' report for map dated \_\_\_\_\_.
- ☐ Revised pages of Public Works' report for map dated \_\_\_\_\_ as follows.

☐ Revised Public Works' report clearing previous \_\_\_\_\_ denial(s).

☒ Public Works ~~still~~ has Sewer denial(s).

☐ Public Works' clearance for Public Hearing.

☐ Please forward the attached Engineer's and City's copy.

☐ A waiver for the final map may be filed.

☐ Other:

cc: *Pacific Coast Civil, Inc. (Richard Doss)*

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION  
TRACT NO. 66952 (Rev.)

Page 1/1

TENTATIVE MAP DATED 02-03-2011  
EXHIBIT MAP DATED 02-03-2011

It is recommended that this tentative map not be approved at this time. This recommendation is based upon information or lack of information that is available concerning the subject property. The removal of this recommendation is contingent upon the submission and satisfactory review of the following:

- Please see attached Sewer review sheet for comments and requirements.

<sup>HW</sup>  
Prepared by Henry Wong

Phone (626) 458-4910

Date 03-09-2011

tr66952L-rev4.doc

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION - SEWER  
TRACT NO. 066952 (Rev.)

Page 1/1

TENTATIVE MAP DATED 02-03-2011  
EXHIBIT MAP DATED 02-03-2011

It is recommended that this tentative map not be approved at this time. This recommendation is based upon information or lack of information that is available concerning the subject property. The removal of this recommendation is contingent upon the submission and satisfactory review of the following:

- The proposed decentralized sewer treatment system is not approved at this time. The Department of Public Works is currently discussing this issue with the Department of Public Health to clarify the roles each department will have, if any, in the approval of such a system.

*HW*

Prepared by Julian Garcia  
tr66952s-rev4.doc

Phone (626) 458-4921

Date 03-09-2011

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION

Page 1/1

TRACT NO. 66952 (Rev.)

TENTATIVE MAP DATED 02-03-2011  
EXHIBIT MAP DATED 02-03-2011

- If this recommendation of disapproval is changed to a recommendation of approval based on additional information, the following reports would be recommended for inclusion in the conditions of tentative approval:

<sup>HW</sup>  
Prepared by Henry Wong  
tr66952L-rev4.doc

Phone (626) 458-4910

Date 03-09-2011

The following reports consisting of \_\_\_ pages are the recommendations of Public Works.

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. Details and notes shown on the tentative map are not necessarily approved. Any details or notes which may be inconsistent with requirements of ordinances, general conditions of approval, or Department policies must be specifically approved in other conditions, or ordinance requirements are modified to those shown on the tentative map upon approval by the Advisory agency.
2. Easements are tentatively required, subject to review by the Director of Public Works to determine the final locations and requirements.
3. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication for public streets, highways, access rights, building restriction rights, or other easements until after the final map is filed with the Registrar-Recorder/County Clerk's Office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.
4. In lieu of establishing the final specific locations of structures on each lot/parcel at this time, the owner, at the time of issuance of a grading or building permit, agrees to develop the property in conformance with the County Code and other appropriate ordinances such as the Building Code, Plumbing Code, Grading Ordinance, Highway Permit Ordinance, Mechanical Code, Zoning Ordinance, Undergrounding of Utilities Ordinance, Water Ordinance, Sanitary Sewer and Industrial Waste Ordinance, Electrical Code, and Fire Code. Improvements and other requirements may be imposed pursuant to such codes and ordinances.
5. All easements existing at the time of final map approval must be accounted for on the approved tentative map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location. If all easements have not been accounted for, submit a corrected tentative map to the Department of Regional Planning for approval.

6. Quitclaim or relocate easements running through proposed structures.
7. Adjust, relocate, and/or eliminate lot lines, lots, streets, easements, grading, geotechnical protective devices, and/or physical improvements to comply with ordinances, policies, and standards in effect at the date the County determined the application to be complete all to the satisfaction of Public Works.
8. Label driveways and multiple access strips as "Private Driveway and Fire Lane" and delineate on the final map to the satisfaction of Public Works.
9. Reserve reciprocal easements for drainage, ingress/egress, sewer, water, utilities, right to grade, and maintenance purposes, etc., in documents over the common private driveways to the satisfaction of Public Works.
10. Dedicate vehicular access rights to the rear of double frontage residential lots. If the Department of Regional Planning requires the construction of a wall, complete access rights shall be dedicated.
11. Place a note on the final map to the satisfaction of Public Works to convey as a unit both portions of ownership within Lot 7, separated by Bouquet Canyon Road, and connect said portions with a standard land hook.
12. The street frontage requirement needs to be waived by the Advisory Agency. All lots are to be accessed by a private driveway and fire lane system.
13. A final tract map must be processed through the Director of Public Works prior to being filed with the Registrar-Recorder/County Clerk's Office.
14. Prior to submitting the tract map to the Director of Public Works for examination pursuant to Section 66442 of the Government Code, obtain clearances from all affected Departments and Divisions, including a clearance from the Subdivision Mapping Section of the Land Development Division of Public Works for the following mapping items; mathematical accuracy; survey analysis; and correctness of certificates, signatures, etc.
15. A final guarantee will be required at the time of filing of the final map with the Registrar-Recorder/County Clerk's Office.



COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
LAND DEVELOPMENT DIVISION – SUBDIVISION  
TRACT NO. 66952 (Rev.)

Page 3/3

TENTATIVE MAP DATED 02-03-2011  
EXHIBIT MAP DATED 02-03-2011

16. Within 30 days of the approval date of this land use entitlement or at the time of first plan check submittal, the applicant shall deposit the sum of \$2,000 (Minor Land Divisions) or \$5,000 (Major Land Divisions) with Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances. This deposit will cover the actual cost of reviewing conditions of approval for Conditional Use Permits, Tentative Tract and Parcel Maps, Vesting Tentative Tract and Parcel Maps, Oak Tree Permits, Specific Plans, General Plan Amendments, Zone Changes, CEQA Mitigation Monitoring Programs and Regulatory Permits from State and Federal Agencies (Fish and Game, USF&W, Army Corps, RWQCB, etc.) as they relate to the various plan check activities and improvement plan designs. In addition, this deposit will be used to conduct site field reviews and attend meetings requested by the applicant and/or his agents for the purpose of resolving technical issues on condition compliance as they relate to improvement plan design, engineering studies, highway alignment studies and tract/parcel map boundary, title and easement issues. When 80% of the deposit is expended, the applicant will be required to provide additional funds to restore the initial deposit. Remaining balances in the deposit account will be refunded upon final map recordation.

<sup>HW</sup>  
Prepared by Henry Wong

tr66952L-rev4.doc

Phone (626) 458-4910

Date 03-09-2011



**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
WWW.DPW.LACOUNTY.GOV

TRACT NO.: 66952

TENTATIVE MAP DATE: 2/03/11  
EXHIBIT MAP DATE: 2/03/11

**STORM DRAIN AND HYDROLOGY SECTION CONDITIONS OF APPROVAL, PHONE: (626) 458-4921**

**Prior to Improvement Plans Submittals:**

1. Submit an analysis of the design storm event for design of drainage facilities to the satisfaction of the Department of Public Works. The analysis should include burned and bulked watersheds for undeveloped areas in accordance with Department of Public Works requirements.
  - a. The analysis shall be a hydrology study addendum only for the design storm event. The approved hydrology study need not be resubmitted, subject to compliance with the conclusions and design standards of the approved Drainage Concept / Hydrology Study / Standard Urban Stormwater Mitigation Plan (SUSMP) / Low Impact Development (LID) Plan to the satisfaction of the Department of Public Works.

**Prior to Improvement Plans Approval:**

1. Comply with the requirements of the Drainage Concept / Hydrology Study / SUSMP / LID Plan which was conceptually approved on 12/28/10 to the satisfaction of the Department of Public Works.
  - a. Debris conveyance devices and debris desilting areas as depicted on the approved drainage concept shall be provided to the satisfaction of the Department of Public Works.
2. Obtain approval or letter of non-jurisdiction from the State Department of Fish and Game.
3. Obtain approval or letter of non-jurisdiction from the State Water Resources Control Board.
4. Obtain approval or letter of non-jurisdiction from the Corps of Engineers.
5. A maintenance permit may be required from the State Department of Fish and Game, the Corps of Engineers, and the State Water Resources Control Board to the satisfaction of the Department of Public Works.

**Prior to recordation of a Final Map:**

1. Submit plans of drainage facilities as required by hydrology study for design of drainage facilities to the satisfaction of Department of Public Works.
2. Show and dedicate to Flood Control District or to the County of Los Angeles easements and/or right of way on the final map to the satisfaction of the Department of Public Works.
  - a. Dedications shall include necessary easements for existing road culverts traversing Bouquet Canyon Road at MM 0.7 and MM 1.7 to the satisfaction of the Department of Public Works.



**COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS**

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
WWW.DPW.LACOUNTY.GOV

3. Show and label all natural drainage courses and flood hazard areas to the satisfaction of the Department of Public Works.
  - a. Flood hazard areas as depicted on the tentative map are not necessarily approved and off-site flood hazard limits are not enforceable.
4. Dedicate to the County the right to restrict the erection of buildings in the flood hazard area.
5. An assessment district shall be formed to finance the future ongoing maintenance and capital replacement of all drainage devices/systems identified by the Department of Public Works. The Subdivider shall deposit the first year's total assessment based on the Public Works engineering report. This will fund the first year's maintenance after the facilities are accepted. The second and subsequent year's assessment will be collected through the property tax bill. This is required to the satisfaction of the Department of Public Works.
6. Prior to final map approval a covenant or agreement shall be recorded in the office of the Los Angeles County Registrar-Recorder/County Clerk indicating that the owner of the subject development is aware and agrees to the requirements of County Code Section 12.84.460 Subsection B.

**Prior to Improvement Acceptance for Public Maintenance:**

1. Any maintenance permits of the regulatory agencies must be active at the time of acceptance.

Name Lizbeth Calderon Date 3/07/11 Phone (626) 458-4921  
LIZBETH CALDERON

County of Los Angeles Department of Public Works  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION  
GEOLOGIC REVIEW SHEET  
900 So. Fremont Ave., Alhambra, CA 91803  
TEL. (626) 458-4925

DISTRIBUTION  
1 Geologist  
1 Soils Engineer  
1 GMED File  
1 Subdivision

TENTATIVE TRACT MAP 66952  
SUBDIVIDER Leona Valley Estates, LTD.  
ENGINEER Pacific Coast Civil, Inc.  
GEOLOGIST GeoConcepts, Inc.  
SOILS ENGINEER GeoConcepts, Inc.

TENTATIVE MAP DATED 2/3/11 (Rev.)  
LOCATION Leona Valley

REPORT DATE 1/14/10, 11/6/09, 9/30/08  
REPORT DATE 1/14/10, 11/6/09, 9/30/09

**TENTATIVE MAP FEASIBILITY IS RECOMMENDED FOR APPROVAL FROM A GEOLOGIC STANDPOINT**

THE FOLLOWING CONDITIONS MUST BE FULFILLED:

1. The final map must be approved by the Geotechnical and Materials Engineering Division (GMED) to assure that all geotechnical requirements have been properly depicted. For Final Map clearance guidelines refer to GS051.0 in the Manual for Preparation of Geotechnical Reports (<http://www.dpw.lacounty.gov/gmed/manual.pdf>).
2. A grading plan must be geotechnically approved by the GMED prior to Final Map approval. The grading depicted on the plan must agree with the grading depicted on the tentative tract or parcel map and the conditions approved by the Planning Commission. If the subdivision is to be recorded prior to the completion and acceptance of grading, corrective geologic bonds may be required.
3. Prior to grading plan approval a detailed engineering geology and soils engineering report must be submitted that addresses the proposed grading. All recommendations of the geotechnical consultants must be incorporated into the plan (Refer to the Manual for Preparation of Geotechnical Reports at <http://www.dpw.lacounty.gov/gmed/manual.pdf>).
4. All geologic hazards associated with this proposed development must be eliminated. Alternatively, the geologic hazards may be designated as restricted use areas (RUA), and their boundaries delineated on the Final Map. These RUAs must be approved by the GMED, and the subdivider must dedicate to the County the right to prohibit the erection of buildings or other structures within the restricted use areas (refer to GS063.0 in the manual for preparation of Geotechnical Reports).
6. The Soils Engineering review dated 2/17/11 is attached.

Prepared by

  
Charles Nestle

Reviewed by

Date 2/17/11

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>

COUNTY OF LOS ANGELES  
DEPARTMENT OF PUBLIC WORKS  
GEOTECHNICAL AND MATERIALS ENGINEERING DIVISION  
SOILS ENGINEERING REVIEW SHEET

Address: 900 S. Fremont Ave., Alhambra, CA 91803  
Telephone: (626) 458-4925  
Fax: (626) 458-4913

District Office 8.0  
Job Number LX001129  
Sheet 1 of 1

Tentative Map (Tract) 66952  
Location Leona Valley  
Developer/Owner Leona Valley Estates, Ltd.  
Engineer/Architect Pacific Coast Civil, Inc.  
Soils Engineer GeoConcepts, Inc. (3563)  
Geologist GeoConcepts, Inc.

DISTRIBUTION:

1 Drainage  
1 Grading  
1 Geo/Soils Central File  
District Engineer  
Geologist  
1 Soils Engineer  
1 Engineer/Architect

Review of:

Tentative Tract Map and Exhibit Dated By Regional Planning 2/3/11 (Rev)  
Soils Engineering and Geology Report Dated 1/14/10, 11/6/09 (surficial debris), 9/30/08  
Previous Review Sheet Dated 3/4/10

ACTION:

Tentative Map feasibility is recommended for approval, subject to conditions below.

REMARKS:

Note: Submitted surficial slope stability analysis does not satisfy request for surficial slope stability analyses, due to the assumed depth of saturated surficial materials being analyzed.

At the grading plan stage:

1. Provide surficial slope stability analyses for natural slopes based on an assumed saturation depth of 4 feet if no on-site slope data is provided for the slope in question. Or provide on-site boring/trench/test pit that physically confirms the assumed depth of the surficial material. For example, the newly submitted Cross Section for N-N' does not indicate a boring/trench/test pit on the slope in question and assumes a saturation depth of 3.5 feet. Therefore the submitted surficial slope stability analysis does not satisfy request for surficial slope stability analyses, due to the assumed depth of saturated surficial materials being analyzed. Recommend mitigation if factors of safety are below County minimum standard.
2. Provide surficial slope stability analyses for the proposed cut slopes that expose alluvium or colluvium and fill slopes. For example Cross Section D-D'. Recommend mitigation if factors of safety are below County minimum standard.
3. Provide chemical test results (sulfate, chloride, resistivity, etc.) for the on-site soils to address the presence of chemicals deleterious to concrete and ferrous metals. The tests must be in accordance with California Test Methods, Department of Transportation, or equivalent (aqueous solution tests, such as EPA Tests or similar methods are not acceptable for determination of resistivity). Resistivity tests must be performed on soils samples in a saturated condition.
4. Show on the grading plans:
  - a. Location of areas subject to liquefaction hazards.
  - b. All recommended mitigation measures.
5. Requirements of the Geology Section are attached.
6. Include a copy of this review sheet with your response.

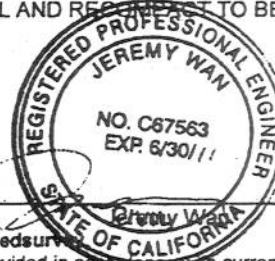
NOTE(S) TO THE PLAN CHECKER/BUILDING AND SAFETY ENGINEER:

THE SOILS ENGINEER HAS PROVIDED A GEOTECHNICAL MAP OUTLINING THE AREAS SUBJECT TO LIQUEFACTION HAZARDS AND HAS PROVIDED RECOMMENDATIONS FOR REMOVAL AND REDUCTION OF IMPACT TO BEDROCK. THE GEOTECHNICAL MAP IS IN THE REPORT DATED 1/14/10.

Prepared by

h 3 8  
Olga Cruz

Reviewed by



Date 2/17/11

Please complete a Customer Service Survey at <http://dpw.lacounty.gov/go/gmedsurvey>

**NOTICE:** Public safety, relative to geotechnical subsurface exploration, shall be provided in accordance with current codes for excavations, inclusive of the Los Angeles County Code, Chapter 11.48, and the State of California, Title 8, Construction Safety Orders.  
P:\gmpubl\Soils Review\Olga\66952 TR, Leona Valley, TTM-A\_9.

**The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:**

**REQUIREMENTS PRIOR TO GRADING PLAN APPROVAL:**

1. Provide approval of:
  - a. The latest drainage concept/hydrology/Standard Urban Stormwater Mitigation Plan (SUSMP)/Low Impact Development (LID) plan (if applicable) by the Storm Drain and Hydrology Section of Land Development Division.
  - b. The location/alignment and details/typical sections of any park/trail, as shown on the grading plan, to the satisfaction of the Department of Parks and Recreation.
  - c. The grading plan by the Geotechnical & Materials Engineering Division (GMED).
  - d. Permits and/or letters of non-jurisdiction from all State and Federal Agencies, as applicable. These agencies may include, but may not be limited to the State of California Regional Water Quality Control Board, State of California Department of Fish and Game, State of California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), and the Army Corps of Engineers.

**REQUIREMENTS PRIOR TO FINAL MAP RECORDATION:**

2. Submit a grading plan for approval. The grading plan must show and call out the following items, including but not limited to: construction of all drainage devices and details, paved driveways, elevation and drainage of all pads, SUSMP and LID devices (if applicable), and any required landscaping and irrigation not within a common area or maintenance easement. Acknowledgement and/or approval from all easement holders may be required.
3. A maintenance agreement or CC&Rs may be required for all privately maintained drainage devices, slopes, and other facilities.

*MD*

Name David Esfandi Date 03/01/11 Phone (626) 458-4921



The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. The request to waive street frontage is subject to approval by the advisory agency. If not waived, the subdivider shall revise the tentative map and provide street frontage to every parcel to the satisfaction of Public Works
2. The minimum centerline radius is 350 feet on all local streets with 64 feet of right of way and on all the streets where grades exceed 10 percent.
3. Curves through intersections should be avoided when possible. If unavoidable, the alignment shall be adjusted so that the proposed BC and EC of the curve through the intersection are set back a minimum of 100 feet away from the BCR's of the intersection.
4. At tee intersections involving local streets, the maximum permissible grade of the through street across the intersection is 10 percent. For intersections involving multi-lane highways, the maximum permissible grade of the through street is three percent.
5. The central angles of the right of way radius returns shall not differ by more than 10 degrees on local streets.
6. Design details for the typical sections of 87<sup>th</sup> Street West and Bouquet Canyon are not necessarily approved at this time.
7. Conform with the approved conceptual signing and striping plan dated November 30, 2010. Provide detailed 40 foot scale signing and striping plans for Bouquet Canyon Road to the satisfaction of Public Works.
8. Associated grading and storm drain plans must be approved or in direct check.
9. Provide minimum landing area of 100 feet for local collectors, 50 feet for local access roads, and 25 feet for cul-de-sacs at a maximum 3 percent grade on all "tee" intersections.
10. Provide intersection sight distance for a design speed of:
  - a. 65 mph (725') or to the satisfaction of Public Works on Bouquet Canyon Road from "A" Court (northerly and southerly directions).

- b. 40 mph (650 feet) on 87<sup>th</sup> Street West from "B" Street (easterly and westerly directions) and from "F" Court (northerly and southerly directions).

Line of sight shall be within right of way or dedicate airspace easements to the satisfaction of Public Works. Additional grading may be required. With respect to the position of the vehicle at the minor road, the driver of the vehicle is presumed to be located 4 feet right of centerline and 10 feet back the top of curb (TC) or flow line (FL) prolongation. When looking left, we consider the target to be located at the center of the lane nearest to the parkway curb. We use 6 feet from TC as a conservative rule, in the case of pop outs we use 6 feet from TC of the travel lane. When looking right, the target is the center of the lane nearest to the centerline or from the median TC (when present). We use 6 feet from centerline or from the median TC as a conservative rule.

11. Provide property line return radii of 13 feet at all local street intersections, and 27 feet at the intersection of local streets with planned highways (those on the County Highway Plan) and where all planned highways intersect or where one of the roads serves a commercial or industrial development plus additional right of way for corner cut off to meet current guidelines of the Americans with Disabilities Act (ADA) to the satisfaction of Public Works.
12. Dedicate vehicular access rights on Bouquet Canyon Road.
13. Dedicate right of way 43 feet from centerline along the northerly/westerly side of Bouquet Canyon Road. An additional 13 feet of right of way is required beyond the existing right of way.
14. Dedicate right of way 32 feet from centerline for the proposed 87<sup>th</sup> Street West.
15. Locate the entry gate or key pad (if one is provided) a minimum of 50 feet beyond the right of way of Bouquet Canyon or 87<sup>th</sup> Street West and construct a turnaround with a minimum turnaround radius of 32 feet in the private driveway and fire lane on "A" Court, "B" Street, and "F" Court preceding the gated entrance to the satisfaction of Public Works. The minimum gate setback shall be increased, if necessary, to accommodate adequate stacking distance as determined in each case by the traffic engineering consultant at final engineering. Setback the raised median nose in the private driveway and fire lane on "A" Court, "B" Street and "F" Court a minimum of 20 feet from the right of way to the satisfaction of Public Works. The details of the gated access as shown on the tentative map are not necessarily approved.



16. Construct rural improvements on 87<sup>th</sup> Street West to the satisfaction of Public Works.
17. Construct rural secondary highway improvements on Bouquet Canyon Road consistent with the approved signing and striping plan dated 11/30/2011, including transition paving to the satisfaction of Public Works.
18. Construct drainage improvements on Bouquet Canyon (culverts and headwalls as needed) and offer maintenance easements as needed the satisfaction of Public Works. Where streets or highways are located within flood hazard areas or subject to inundation, provide adequate slope protection to the satisfaction of Public Works.
19. Execute a covenant for private maintenance of curb/parkway drains, if any, to the satisfaction of Public Works.
20. Prior to final map approval, enter into an agreement with the County franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench to the satisfaction of Public Works; or provide documentation with steps to provide cable TV to the proposed subdivision have been initiated to the satisfaction of Public Works.
21. Comply with the mitigation measures identified in the attached May 19, 2009 memoranda/letter from our Traffic and Lighting Division to the satisfaction of Public Works.
22. The midblock trail crossing on 87th Street as shown on the Tentative Map is not approved. Relocate the trail crossing to the nearest intersection to the satisfaction of Public Works and Parks and Recreation.



GAIL FARBER, Director

## COUNTY OF LOS ANGELES

### DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dprw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE T-4

May 19, 2009

Mr. Frank Lee  
Kunzman Associates  
1111 Town and Country Road, Suite 34  
Orange, CA 92868-4667

Dear Mr. Lee:

**VALLEY VINEYARDS  
TENTATIVE TRACT MAP NO. 066952  
REVISED TRAFFIC IMPACT ANALYSIS (MARCH 11, 2008)  
RESPONSE LETTER (MAY 9, 2009)  
LEONA VALLEY AREA**

As requested, we have reviewed the revised Traffic Impact Analysis (TIA) and subsequent response letter from the developer dated May 9, 2009, (copy enclosed) for the proposed Valley Vineyards project. The project site is located west of Bouquet Canyon Road and south of Elizabeth Lake Road in the unincorporated County of Los Angeles area of Leona Valley.

We generally agree with the TIA that the traffic generated by project alone will have a significant impact to the County intersection listed below. As indicated in the developer's response letter, the required improvements shall be the sole responsibility of the project. The traffic signal shall be installed and operational concurrently with the installation of a curb, gutter, first lift of asphalt pavement, and temporary traffic detection loops if needed.

Elizabeth Lake Road at Bouquet Canyon Road

Install traffic signal. Please note, per AB 1581 and the guidelines that Caltrans will be adopting, this signal is to include detection for bicyclists.

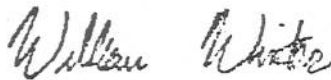
Mr. Frank Lee  
May 19, 2009  
Page 2

A 40-foot-scale site plan of the project showing access locations in relationship to adjacent intersections and driveways shall be submitted to our Land Development Division for review and approval prior to the issuance of a building permit.

If you have any questions regarding this review, please contact Ms. Nayiri Vartanian of our Traffic Studies Section at (626) 300-4778.

Very truly yours,

GAIL FARBER  
Director of Public Works



WILLIAM J. WINTER  
Assistant Deputy Director  
Traffic and Lighting Division

NV:cn

P:\pub\WPFILES\FILES\STU\Nayiri\REIR\IR DB101 - TTM 056952 Valley Vineyards RTS.doc

Enc.

cc: Department of Regional Planning (Susan Tae)  
Lauren Development (John Allday)

bc: Land Development (Narag)

The subdivision shall conform to the design standards and policies of Public Works, in particular, but not limited to the following items:

1. A water system maintained by the water purveyor, with appurtenant facilities to serve all lots in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
2. There shall be filed with Public Works a statement from the water purveyor indicating that the water system will be operated by the purveyor, and that under normal conditions, the system will meet the requirements for the land division, and that water service will be provided to each lot.
3. If necessary, install off-site water mainline to serve this subdivision to the satisfaction of Public Works.
4. Depict all line of sight easements on the landscaping and grading plans.
5. Easements shall be granted to the County, appropriate agency or entity for the purpose of ingress, egress, construction and maintenance of all infrastructures constructed for this land division to the satisfaction of Public Works.
6. A "Written Verification" from the water supplier. Provide a "Written Verification" and supporting documents from the water supplier to indicate the availability of a "Sufficient Water Supply" as required per Section 66473.7 of the Subdivision Map Act (SB 221) prior to filing any map or parcel map to the satisfaction of Public Works and the Department of Regional Planning.

HW

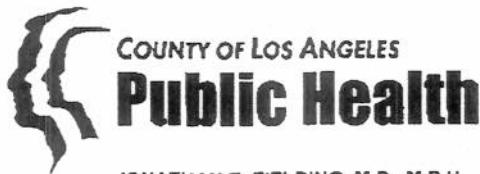
Prepared by Julian Garcia  
tr66952w-rev4.doc

Phone (626) 458-4921

Date 03-09-2011







**JONATHAN E. FIELDING, M.D., M.P.H.**  
Director and Health Officer

**JONATHAN E. FREEDMAN**  
Chief Deputy Director

**ANGELO J. BELLOMO, REHS**  
Director of Environmental Health

**KENNETH MURRAY, REHS**  
Director of Environmental Protection Bureau

**Land Use Program**  
Patrick Nejadian, REHS  
Chief Environmental Health Specialist  
5050 Commerce Drive  
Baldwin Park, California 91706  
TEL (626) 430-5380 • FAX (626) 813-3018



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Fifth District

March 11, 2011

John L. Allday  
Lauren Development, Inc.  
P.O. Box 790  
Agoura Hills, CA 91376

**SUBJECT: VALLEY VINEYARDS PROJECT – VESTING TENTATIVE TRACT MAP 66952  
BOUQUET CANYON ROAD, LEONA VALLEY**

Dear Mr. Allday:

This letter supersedes the Department's previous letters dated May 28, 2010 and November 12, 2010, regarding the conditions of approval for Vesting Tentative Tract Map 66952. In these letters, the Department postponed compliance with certain approval conditions to the final map approval relating to the proposed decentralized onsite wastewater treatment system (OWTS).

The conditions required 1) joint authorization from other regulatory agencies, including the County Department of Public Works and the Los Angeles Regional Water Quality Control Board, 2) approval from the DPW regarding the configuration of wastewater lines, and 3) the availability of a qualified management entity (such as a service district) that is supported and approved by the County to ensure proper maintenance and continuous operation of the proposed decentralized OWTS.

However, after a recent meeting with other County officials, it was determined that a service district is not feasible because of concerns and limitations associated with the establishment/operation of a service district. As a result, the Department is rescinding its decision to postpone compliance of the above conditions. Furthermore, the Department cannot recommend approval of the tentative map until concerns relating to establishment of the service district have been resolved to the satisfaction of the County.

If you should have any questions regarding this decision or would like to schedule a meeting to discuss and explore other possible alternatives for this project, please feel free to contact me at (626) 430-5390.

Best regards,

Patrick Nejadian, Chief EHS  
Land Use Program





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Milan	

June 29, 2011

**VIA HAND DELIVERY**

Regional Planning Commission  
County of Los Angeles  
320 West Temple Street  
13th Floor  
Los Angeles, CA 90012

**Agenda Item 6 (June 29, 2011)**

Re: Valley Vineyards; Project No. TR669520(5); Response to Staff Report

Honorable Chairman Modugno and Members of the Commission:

We are writing on behalf of our client, Valley Vineyards LLC ("Applicant"), which proposes Valley Vineyards, a unique sustainable rural residential community of 117 single-family homes on 292.5 acres in Leona Valley (the "Project"). The Project is a model of sustainable and low impact development and will uniquely integrate agricultural elements into a low density residential design.

The Applicant appreciates the hard work of the Regional Planning Commission in analyzing the Project. However, we firmly believe that this Project has not been fairly portrayed to your Commission by Staff in its Staff Report. Additionally, as we have stated in prior correspondence and in direct testimony to your Commission, this Project is not yet ready for you to decide since you do not have complete information before you. Staff has not presented an environmental document, without which you cannot fairly judge potential impacts from the Project. The environmental document prepared by Staff, a mitigated negative declaration, would demonstrate that the Project has less than significant impacts after implementation of mitigation. Furthermore, two Department holds are in place on the Project. We remain concerned about the Applicant's ability to receive a fair and impartial hearing under these circumstances.

As set forth below and detailed in the attached Response to Staff Report, the Staff Report does not accurately and fairly depict the Project and reaches conclusions about the Project without sufficient evidence or analysis. Importantly, the Staff Report fails to adequately discuss the many positive aspects of the Project and instead negatively portrays it in an unbalanced

manner. The Project's many green features and community amenities that will benefit Leona Valley are ignored in Staff's analysis. We respectfully request that your Commission not take final action on the Project at the hearing on June 29, 2011, and direct Staff to complete the environmental review for the Project and work with the Applicant to cooperatively resolve the remaining issues concerning the Project.

### **Project Highlights**

The Project is innovative and unique and will reflect the rural and agricultural character of Leona Valley by incorporating vineyards, extensive hiking and equestrian trails, horse staging areas, rest areas, overlooks, and passive open areas with 117 sites for custom-designed homes. The Project is a model of sustainable and low impact development, which will complement and enhance Leona Valley's environment by utilizing the pilot Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) and Low Impact Development (LID) methodologies such as bio-swales, permeable pavement, an onsite wastewater management system, and rainwater collection systems to minimize the Project's environmental footprint. The Project also will provide community benefits to Leona Valley including miles of hiking and equestrian trails, enhanced water infrastructure, paving 87th Street West, and a secondary means of emergency ingress and egress.

### **The Staff Report Does Not Accurately and Fairly Depict the Project**

As set forth below and detailed in the attached Response to Staff Report, the Staff Report contains many inaccuracies and misrepresentations about the Project.

### **The Commission Should Determine that the Vineyards are Allowable as Open Area**

- The Project proposes 94 acres of vineyards and 118.1 acres of natural and open area, for a total of 212.1 acres of open area, well in excess of the 186 acres required to meet the 70 percent threshold for non-urban hillside management residential projects.
- The Commission has discretion, pursuant to the General Plan and the County Code, to determine whether vineyards are appropriate as an open area for non-urban hillside management developments.
- Including vineyards as part of the Project's open area is consistent with the rural, equestrian and agricultural character of Leona Valley and the General Plan's open space policies, which promote agriculture.

### **The Project Satisfies the Non-Urban Hillside Management CUP Burden of Proof**

- The proposed 117 dwelling units is 15 percent below the maximum allowable density and is consistent with the General Plan, Zoning Code, and the Leona Valley Community Standards District. The Project density compares favorably to other recently approved projects. The many green Project features as well as equestrian and other amenities justify the proposed density.



- The Project protects the hilltops, ridgelines, and sloping areas by clustering development to reduce impacts, maintaining the major east-west ridgeline across the center of the site, maintaining a prominent hill on-site, and limiting grading impacts through compliance with the Hillside Grading Ordinance and sensitivity to the existing terrain.
- Staff's discussion of the burden of proof is entirely subjective and lacks quantifiable standards, comparison to other projects, or analytic benchmarks resulting in a legally insufficient analysis.

#### **The Project Design is Sufficiently Clustered**

- The Project proposes clustered building to reduce impacts to the steeper sloped hilltops and ridgelines and minimize grading. The 117 home sites will cover approximately fifty acres or approximately 17 percent of the Property.
- The Project will achieve the orderly preservation and maintenance of open area through easements and other development restrictions in compliance with the County Code and the General Plan.

#### **The Project Satisfies the Required Net Area**

- The Project is designed to ensure that each lot has 40,000 square feet of area that is unencumbered by easements in compliance with the minimum required net lot area set forth in the County Code.

#### **The Project's Wastewater Treatment is Feasible and Preferable to Standard Septic Systems**

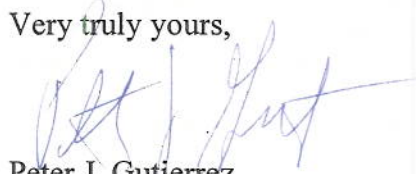
- Staff erroneously concludes that the proposed wastewater treatment facilities are infeasible because they will be maintained by a homeowners association. The proposed wastewater treatment facility will be maintained by a private or public entity approved by the County.
- The proposed wastewater treatment facilities, which will treat effluent on each home site and then at Evapotranspiration/Infiltration areas, is feasible and preferable to standard septic systems or other alternatives.

///

### Conclusion

Thank you for your consideration of this important Project. We respectfully request that your Commission not take final action on the Project and direct Staff to continue to work with the Applicant and its representatives to finalize the Project's environmental review and resolve the few remaining issues concerning the Project prior to the Commission's evaluation and decision on the Project.

Very truly yours,



Peter J. Gutierrez  
of LATHAM & WATKINS LLP

Attachment: Response to Staff Report

cc: Edel Vizcarra, Planning Deputy, Fifth Supervisorial District  
Norm Hickling, Field Deputy, Fifth Supervisorial District  
Sorin Alexanian, Deputy Director, Department of Regional Planning  
Jodie Sackett, Senior Planner, Department of Regional Planning  
Nooshin Paidar, Supervising Regional Planner, Department of Regional Planning  
Patricia Keanne, Principal Deputy County Counsel, Office of County Counsel  
Bill Ford, Valley Vineyards LLC

**Project No. TR066952-(5)**  
**Conditional Use Permit No. 200700038**  
**Vesting Tentative Tract Map No. 066952**

**June 29, 2011**  
**Regional Planning Commission Public Hearing**

**Response to Staff Report**

**I. INTRODUCTION AND OVERVIEW**

On behalf of our client, Valley Vineyards LLC ("Applicant"), this Response to Staff Report addresses misrepresentations and inaccuracies contained in the Staff Report concerning the proposed Valley Vineyards, a unique rural residential community of 117 single-family homes on 292.5 acres in the Leona Valley community in unincorporated Los Angeles County ("County") (the "Project"). Project is innovative and unique. The Project incorporates an agricultural element – a vineyard – into the rural residential community and provides many "green" low impact development features into the land design, in addition to an elaborate equestrian trail system, all keeping with the rural and agricultural character of the local community of Leona Valley.

As we have stated in prior correspondence and in direct testimony to your Commission, this Project is not yet ready for you to decide since you do not have complete information before you. Moreover, certain aspects of the Project are still under review by County Departments. Accordingly, this matter is not ready for your Commission's consideration and decision. Yet, Regional Planning staff ("Staff") recommends in its Staff Report that your Commission deny the Project based on incomplete information, inaccuracies, and misrepresentations, all of which are addressed in this Response to Staff Report.

As demonstrated below, and in the interests of fairness and due process, we request that your Commission continue the public hearing and direct Staff to continue to work with the Applicant and its representatives to finalize the Project's environmental document and resolve the remaining issues prior to the Commission's evaluation and decision on the Project.

**II. PROJECT HIGHLIGHTS**

The Project is located in Leona Valley on 292.5-acres approximately ten miles west of downtown Palmdale and bounded by Bouquet Canyon Road on the east and 87th Street West on the west (the "Property"). The Project would subdivide the Property into a single-family residential rural community intended to reflect the rural and agricultural character of Leona Valley by incorporating vineyards, equestrian, bike and hiking trails, and passive open areas surrounding 117 home sites available for custom-designed homes.

The 117 home sites will cover approximately fifty acres of the total Property, and the Project proposes clustered building pads to minimize disturbance of the Property's sloped hilltops and ridgelines. 212.1 acres will be maintained as natural and open area. The average density for the Property will be one dwelling per 2.5 acres, which fully complies with the



Antelope Valley Areawide Plan (“Area Plan”) and the Los Angeles County Code, including the Leona Valley Community Standards District (“CSD”).

#### **A. Sustainable Development Features**

The Project is a model for sustainable and low impact development in the County. The Project strives to enhance Leona Valley’s environment by utilizing the pilot Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) methodologies. The Project also will implement Low Impact Development (LID) techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retention systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project’s environmental footprint. The Project will advance alternative wastewater management practices such as lot specific advanced wastewater treatment systems (ATS) and Evapotranspiration/Infiltration (ET/I) areas. Through the use of these features, the Project will manage on-site all of the stormwater that falls on the Property as well as any wastewater generated by the individual homes.

The Project will uniquely integrate agricultural elements into a low density residential design with a significant emphasis on sustainability, which results in an innovative, green, cutting edge community.

#### **B. Open and Natural Area**

79.4 percent – 212.1 acres – of the Property will be maintained as open or natural area, including 94 acres of vineyards. The open areas will include equestrian and hiking trails, horse staging areas, rest areas, and valley overlooks.

The Project will dedicate three miles of trails to the County Department of Parks and Recreation, including the Leona Valley Loop, a public multi-purpose trail along 87th Street West continuing along the northern Property boundary to the east and along Bouquet Canyon Road, and a trail alignment for the Granite Mountain Trail. The Applicant has also agreed to increase trail amenities on the Property requested by the Department of Parks and Recreation including valley view spots, a rest area, a hitching post, and benches. There are approximately five miles of bio-swales adjacent to the private driveways and fire lanes throughout the Property that are accessible to the public for walking and equestrian uses.

#### **C. Public and Private Services**

The Project will be served by private driveways and fire lanes with access provided by Bouquet Canyon Road on the east and to a much lesser extent 87th Street West on the west. The Project creates a second emergency access road for Leona Valley.

The Project will not use groundwater, thereby preserving this resource for current residents. The Project’s on-site infrastructure includes dozens of fire hydrants, distribution lines, and a water tank. This infrastructure will increase water pressure for nearby Leona Valley residents.

The Project proposes an advanced wastewater treatment system, which includes advanced technology on each lot that will result in effluent that is approximately 98 percent cleaner than effluent from conventional septic systems. After the water is treated on each residential lot, it will be conveyed to one of four centralized treatment areas within the Property where the water will receive supplemental treatment, if necessary. The water will be allowed to evapotranspire or conventionally percolate into the soil. The wastewater treatment system will be maintained by a Community Services District or other similar public or private entity approved by the County.

#### **D. Entitlements and Environmental Review**

The Project entitlements include a Vesting Tentative Tract Map ("VTTM") and a Conditional Use Permit ("CUP") for compliance with non-urban hillside management regulations, density-controlled development, an on-site wastewater treatment system, and project grading exceeding 100,000 cubic yards of combined cut and fill. A Mitigated Negative Declaration ("MND") pursuant to the California Environmental Quality Act ("CEQA") has been prepared for the Project and is pending final review.

### **III. RESPONSE TO STAFF REPORT**

#### **A. The Project Is Consistent with the Property's Land Use Designation and Zoning**

The Staff Report concludes that the Project is inconsistent with the policies set forth in the Area Plan and CSD, which seek to maintain the existing rural and agricultural character of the Leona Valley community. As demonstrated in detail below, the Project was designed with the rural character of the Leona Valley and *all* relevant rural community and hillside development plan policies in mind.

##### **1. Each Lot Will Comply With the Minimum Required Net Lot Area**

Staff incorrectly states that the Project does not comply with the minimum net area required by the applicable zoning. (Staff Report, p. 11.) The Staff Report states that the minimum required net area for each lot is 60,000 square feet; however, Staff does not explain how it arrived at the 60,000 square feet net area number. (*Id.*) The CSD includes no minimum net area requirement, although it states that the minimum gross area shall not be less than 2.5 acres with clustering permitted, provided no lots contain less than 1.5 gross acres. (County Code § 22.44.122.C.7.) The required net area is provided for in County Code Section 22.52.100 (Required Area), which provides:

Where a number follows the zoning symbol [such as the Property, which is zoned A-2-2] . . . A gross area, including that portion, if any, subject to a highway easement or other public or private easement where the owner of the servient tenement does not have the right to use the entire surface, of the number of acres shown by such number if such number is less than 100, provided that the portion of the lot or parcel of land not subject to any such easement shall have an area not less than 40,000 square feet if the parcel was established on or after September 22, 1967....



Based on County Code Section 22.52.100, the minimum required lot area for each lot is 40,000 square feet, not including easements. There is no formula in Section 22.52.100 that calculates a net area requirement of 60,000 square feet, as suggested by Staff. As required by County Code Section 22.52.100, the Project is designed so each lot has 40,000 square feet of net area that is unencumbered by easements.

The Project also is being processed as a density-controlled development. County Code Section 22.52.102 states that for a density-controlled development, the lot area requirements specified in the CUP shall be the required area. This section provides the decision-maker with discretion to determine the appropriate net area given the particular circumstances and needs of a development. If no modification to the net area requirements is made by the decision-maker, then the 40,000 square foot net area applies by default. Here, the Applicant has not requested a modification to the net area requirement.

2. The Project Does Not Remove Existing Trails and Instead Greatly Enhances the County's Trail System

Staff incorrectly states that the Project is inconsistent with the Area Plan in that it will remove existing trails at the Property, referencing an alleged "existing dirt trail" along the Property's ridge tops. (Staff Report, p. 13.) There are no existing public trails on the Property's ridge tops. Rather, hikers, off-road vehicles, and equestrians trespass across the Property over a number of loosely defined paths including those along the ridge tops.

To the contrary, the Project is supported by the Department of Parks and Recreation because it is consistent with the County's Master Plan of Riding and Hiking Trails. The Project proposes to add public trails to the Property, which enhances the County's trail system and equestrian opportunities for all Leona Valley residents. Publicly accessible equestrian and hiking trails will be provided throughout the Property adding an important link to the local trail system. The Project will dedicate three miles of trails to the Department of Parks and Recreation, including a 20-foot wide easement for the Leona Valley Loop (Regional) Trail, a multi-purpose trail along 87th Street West continuing along the northern Property boundary to the east and along Bouquet Canyon Road, and a trail alignment for the Granite Mountain Trail. The Applicant has also agreed to increase trail amenities on the Property as requested by the Department of Parks and Recreation including view spots / rest areas, a hitching post, and benches. There are approximately five miles of bio-swales adjacent to the private driveways and fire lanes on the Property that are accessible to the public for walking and equestrian uses.

The increased trail amenities were recently added to the Project as a result of cooperative discussions between the Department of Parks and Recreation and the Applicant, and are an example of the Applicant's willingness to work with Staff and County Departments to enhance the Project. Indeed, in response to the Applicant's agreement to increase trail amenities, the Department of Parks and Recreation stated that "we're pleased with the Applicant's positive response." (Memorandum from Frank Moreno to Jodi Sackett re: Notice of Trail Conditions of Approval for Vesting Tentative Tract Map (VTTM) #066952 (Vineyards) (June 20, 2011).)

Contrary to Staff's assertion of inconsistency, the Project's proposed trails and trail amenities are consistent with the Area Plan policies of implementing a regional system for both



hiking and equestrian use, including accommodating trail needs within and between developments (Area Plan, V-2) as well as with the Master Plan of Riding and Hiking Trails.

3. The Applicant Will Reduce the Private Driveways and Fire Lanes if the County Determines Such Width Meets Applicable Safety and Access Requirements

The Area Plan and the CSD both encourage street design that excludes curbs, gutters, and sidewalks. Consistent with both the CSD and the Area Plan, the private driveways and fire lanes do not include curbs, gutters, or sidewalks. However, Staff asserts that the Project is inconsistent with the Area Plan because the Project proposes streets that are wider than the Area Plan policy for local street width. (Staff Report, p 5.) The Area Plan states:

In an effort to protect the rural character of Leona Valley, curbs, gutters and sidewalks should not be required if a suitable alternative can be developed to the satisfaction of the Department of Public Works. Future local street improvements should be limited to a maximum paved width of 24 feet (not including shoulders).

(Area Plan, IV-7.) The CSD provides that the “maximum paved width of local street improvements shall not exceed 24 feet, plus appropriate graded or paved inverted shoulders if required, *provided, however, that such width meets applicable safety and access requirements.*” (County Code § 22.44.122.5.a) (emphasis added). Pursuant to the CSD, the maximum paved width is not an absolute requirement, but instead provides an acknowledgment that safety and access must be taken into account when designing an appropriate street width. Other than 87th Street West, the Project does not propose public local streets to be maintained by the County, but rather, was designed to include private driveways and fire lanes with a paved width of 36 feet. The private driveways and fire lanes were developed in consultation with the Department of Public Works and Fire Department, and it has been the Applicant’s understanding that these Departments required the wider paving. Comments received from the Fire Department after the first Subdivision Committee meeting indicated a required paved width of 36 feet. Presumably, safety and access issues were taken into account when that requirement was imposed. Over four years of processing, four Subdivision Committee meetings have occurred, and yet Staff has never disagreed with the Fire Department and raised this issue until the Staff Report.

However, if the Fire Department and Department of Public Works are agreeable to narrower paving, the Applicant will reduce the paved width of the private driveways and fire lanes, as suggested by Staff, to a width which is determined to meet applicable safety and access requirements. It is important to note that these paved areas will be owned and maintained by the Project residents and all liability will be to the residents; therefore, safety is of paramount concern to the Applicant. This is an issue which can be fully resolved with additional time to work with Staff and the Departments. The Commission should direct Staff to meet with the Department of Public Works, Fire Department, and the Applicant to reach agreement on the maximum width of the private driveways and fire lanes.

**B. The Commission Can Approve the Proposed Vineyards as a Portion of the Project’s Required Open Area and Such Approval Would be Consistent With Open Space Policies**



1. The County Has Discretion to Determine Whether a Vineyard is Appropriate as an Open Area Set Aside

Staff incorrectly states that pursuant to the County's General Plan Land Use Element, commercial vineyards are inconsistent with open area uses for non-urban hillside management projects. (Staff Report, p. 6.) Staff's conclusion effectively eliminates the Commission's discretion to determine appropriate open area uses. Specifically, Staff claims that because agriculture is included in the "Non-Urban" land use classification, rather than the "Open Space" land use classification, agricultural uses *cannot* be considered *open area* under the Hillside Management Ordinance. (*Id.*) Excluding the vineyards from the Project's open area designation, Staff summarily concludes that the Project does not satisfy the Hillside Management Ordinance's requirement that 70 percent of a project site contain open area.

Contrary to Staff's conclusion that vineyards are not allowed in the Project's natural and open area, your Commission does have discretion to determine whether vineyards are an appropriate open area set aside. The "Open Space" land use designation discussed in the Land Use Element of the General Plan is not the appropriate authority to determine whether your Commission has the discretion to decide whether vineyards are appropriate in a required open area. (General Plan, III-25.) Rather, the issue is whether vineyards constitute part of the Project site's "natural or open condition," in compliance with the "Natural or Open Area Standards" for non-urban hillside management developments, not whether they comply with the "Open Space" land use designation. (*See* General Plan, III-67.) There is no stated or implied requirement in the County Code or the applicable Plans that dictate that the natural or open areas in non-urban hillside management projects must be compliant with the Open Space land use designation or that such areas prohibit vineyards or agricultural uses. Rather, both the General Plan and the County Code provide the County with discretion to determine acceptable natural and open area uses. Thus, the relevant determination for the Commission is whether it believes it is good policy to permit the vineyards in the Project's natural and open areas. Given that the Project is located in a "rural agricultural area," including an agricultural element is consistent with the local community and allows the Commission to make such a determination.

a. *The General Plan Gives the Commission Discretion to Determine that the Vineyards are Appropriate in the Open Area Set Aside*

Your Commission has discretion to determine whether vineyards are appropriate as an open area set aside. Pursuant to the Natural or Open Area Standards for non-urban hillside management areas, "a minimum of seventy percent (70%) of a project site shall be retained in a natural or open condition." (General Plan, III-67.) Subject to approval by the Commission, required open areas may include:

common open space for passive recreation; areas graded for rounding of slopes to contour appearance; areas of scenic beauty; hiking, riding and bicycling trails; areas cleared for fire suppression and landscaped areas adjacent to streets and highways.

(*Id.*)

The Natural or Open Area Standards give the County discretion to determine whether vineyards are appropriate as an open area set aside. The list is not exhaustive as it states that “open areas *may include*” the specific uses described above. The use of the phrase “may include” indicates that the list that follows is not exclusive but illustrative. It necessarily follows that additional uses that are not specifically listed may also be designated as open area. Moreover, vineyards fit within several of the categories that constitute open area. For instance, some of the Project’s vineyards would be planted on graded slopes and thus qualify as “areas graded for rounding of slopes.” Additionally, the Project’s vineyards can also be considered “landscaped areas.” Thus, subject to the Commission’s approval, the use of vineyards in open areas of the Project site is permissible and consistent with the General Plan’s Natural or Open Area Standards for non-urban hillside development management projects.

b. *The County Code Gives the Commission Discretion to Determine that the Vineyards are Appropriate in the Open Area Set Aside*

The County Code, which implements the General Plan’s open area policy for non-urban hillside residential developments, likewise states that “open space shall comprise not less than ... 70 percent of the net area of a residential development in a non-urban hillside management area.” (County Code § 22.56.215.J.1.a.) Subject to the approval of the Commission, such open areas may include one or more of the following:

- i. Undisturbed natural areas,
- ii. Open space for passive recreation,
- iii. Private yards, provided that certain construction rights are dedicated,
- iv. Parks and open recreational areas,
- v. Riding, hiking and bicycle trails,
- vi. Landscaped areas adjacent to streets and highways,
- vii. Greenbelts,
- viii. Areas graded for rounding of slopes to contour appearance,
- ix. Such other areas as the hearing officer deems appropriate.

(*Id.* (emphasis added).) The Code further states that “[w]here appropriate, a plan for landscaping common or open space areas not to be left in a natural state shall be submitted to and approved by the hearing officer.” (County Code § 22.56.215.J.1.b.)

As with the General Plan, the County Code expressly gives the Commission discretion to determine whether vineyards are appropriate as open area set asides. A project’s open area “may include” those areas listed in the Code, or may include areas not specifically listed, as the list is not exhaustive. This is made particularly clear by the last provision, which states that open areas may include “such other areas as the hearing officer deems appropriate.” Under this last category, the Commission clearly has discretion to consider what types of uses can serve as open area in non-urban hillside management areas.

In addition to the open area examples listed in the General Plan, the County Code includes additional examples that can encompass the Project’s vineyards. As the Staff Report acknowledges, the Project’s vineyards are “greenbelts,” which are generally understood to be



belts of recreational parks, farmland or uncultivated land surrounding a community, and as such, are considered open area. Moreover, a portion of the vineyards will be planted in private yards, another recognized type of open area. Finally, the Code expressly acknowledges that open area may include landscaped common or open areas not left in a natural state. As such, the Commission would be well within its discretion to consider the Project's vineyards open area within the meaning of the Hillside Management Ordinance.

2. Including Vineyards as Part of the Project's Open Area is Consistent with Open Space Policies

Since your Commission has discretion to determine that vineyards are an appropriate open area use, the real issue for you to consider is whether it is good policy to include vineyards as open area particularly in a location like Leona Valley which has an agricultural character. The General Plan's treatment of open space demonstrates that agricultural uses are compatible with the Hillside Management Ordinance's concept of natural and open areas. The Conservation and Open Space Element of the General Plan, which sets policy direction for the "*open space related resources*" of Los Angeles County, notes that these resources include "land and water areas devoted to recreation, scenic beauty, conservation and use of natural resources, agriculture, and mineral production." (General Plan, II-2 (emphasis added).) The Conservation and Open Space Element further states that the "State of California declares that open space is necessary ... for the production of food and fiber." (General Plan, II-2 (emphasis added).) Additionally, it states that "[t]he open space emphasis addresses biotic resources, agricultural and mineral resources, major outdoor recreation, and public health and safety concerns." (General Plan, II-2.) Clearly, agricultural uses, such as the Project's proposed vineyards, are compatible with the policies fostering open space related resources.

The use of vineyards as open area is particularly appropriate for Leona Valley, which has a uniquely "rural, equestrian and agricultural character." (County Code 22.44.122.) The CSD's stated purpose is, among other things, to "protect the community's unique appeal, including its rural, agricultural character." The Project's vineyards will further the CSD's goal of maintaining Leona Valley's rural, agricultural character and will be a positive enhancement to the community without changing its character or spirit.

3. Including Vineyards as Part of the Project's Open Area is Consistent with the General Plan Requirements Regarding the Preservation of Agricultural Uses

In addition to being consistent with open area requirements, the vineyard portion of the Project is further supported by the General Plan policies requiring the preservation of agricultural uses and the rural lifestyles associated with those uses. For instance, the General Plan seeks to ensure that development in non-urban areas, such as the Project site, "*is compatible with rural lifestyles*, does not necessitate the expansion of urban service systems, and does not cause significant negative environmental impacts or subject people and property to serious hazards." (General Plan, I-21 (emphasis added).) More specifically, the General Plan requires that the Antelope Valley "[e]ncourage the continuation of agriculture." (General Plan, I-32.) The Project's vineyards are compatible with rural lifestyles and encourage the continuation of agriculture in the Antelope Valley, thereby furthering the policies of the General Plan.



The Project is also consistent with the General Plans' General Development Policy Map. The General Development Policy Map recognizes "clustered rural communities and [seeks to] protect their character and life style." (General Plan, I-54.) The General Development Policy Map further notes that non-urban open space "includes major public and private lands located in nonurban areas and used, or intended to be used, for open space purposes including outdoor recreation, resource production and preservation, and protection of health and safety" and seeks to conserve areas for open space uses." (General Plan, I-55 (emphasis added).) The Project's vineyards protect the character and lifestyle of Leona Valley and foster resource production in compliance with the General Development Policy Map.

Finally, the Conservation and Open Space Element of the General Plan classifies agricultural land – such as the Project's vineyards – as open area. Specifically, Table 2.1 of the Conservation and Open Space Element, entitled Open Lands in Los Angeles County by Planning Area, includes vacant, agricultural and open space as "open land." (General Plan, II-2.) The Conservation and Open Space Element further notes that in order to "provide for the future production of needed food supplies, there is a need to preserve lands where agriculture (including grazing) is economically viable or which have a high potential based on the presence of prime soils." (General Plan, II-16.) Finally, the Conservation and Open Space Element seeks to "[p]reserve significant agricultural resources areas and encourage the expansion of agricultural activities into under-utilized lands." (General Plan, II-27.) The Project site is just the type of land that should be utilized for agricultural activities. Consistent with these policies, the Project integrates agricultural elements into a low density residential design.

4. There is No Legal Requirement that Open Areas Be Contained in Dedicated Open Area Lots

As proposed, approximately 155 acres of the Project's open area will be contained within individual single-family lots. Staff states that it believes the Project's open areas are best protected when dedicated in separate fee lots. (Staff Report, p. 9.) However, there is no legal requirement that open areas be set aside in fee. Rather, the County Code simply requires that open area is dedicated to perpetual uses as open area. Specifically, the Code states that open space may include "[p]rivate yards, provided that certain construction rights are dedicated." (County Code 22.56.215.) The General Plan likewise notes that "commitment of [open space] lands to long term open space use is typically assured through deed restrictions or dedication of construction rights, secured at the time of development permit approval." (General Plan, III-53.) The Applicant's proposal to include the vineyards as open area through the dedication of easements complies with both the County Code and the General Plan.

**C. The Project Satisfies the CUP Burden of Proof**

The Project includes a CUP for non-urban hillside management, density-controlled development, an on-site wastewater treatment system,, and onsite grading exceeding 100,000 cubic yards of earthwork.

Staff concludes that the Project does not satisfy the CUP burden of proof, including the additional hillside management burden of proof requirements. Staff's burden of proof discussion



is rife with subjective judgments lacking quantifiable standards or analytic benchmarks, resulting in an overall legally insufficient analysis. In fact, the Staff Report fails to mention the portions of the burden of proof that Staff finds are satisfied. Despite Staff's assertions, there is ample evidence in the record supporting the Applicant's satisfaction of the burden of proof.

1. The Project Will Not Be Materially Detrimental to the Use, Enjoyment, or Valuation of Property of Other Persons Located in the Vicinity of the Site

The Project will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project site. Indeed, the Project will include features such as publicly accessible equestrian and hiking trails, adding an important link to the local trail system and benefiting property owners in the vicinity of the Property. The Project also proposes to add fire hydrants, distribution lines, and a water tank, which will increase water pressure nearby Leona Valley residents. The Project also will add a much needed emergency access route for the entire community. For additional information, see the Applicant's February 12, 2007, Burden of Proof. Despite these benefits, which Staff fails to consider, Staff arbitrarily finds that the Project will be materially detrimental to the use, enjoyment, or valuation of property located in the vicinity of the Project site due to disturbance to the Property's hilltops and ridgelines and grading of 50 percent or greater sloped areas. (Staff Report, pp. 12-13.)

a. *Contrary to the Staff Report, the Project Does Not Over-Disturb the Property's Hilltops and Ridgelines*

Using no standards or comparisons in its analysis, Staff claims that the Project over-disturbs the hilltops and ridgelines located within the Project site. (Staff Report, pp. 12-13.) Staff overstates the grading proposed by the Project when it states that five of eight hilltops will be disturbed with proposed grading. The Project will maintain the major east-west ridgeline across the center of the site, which is visible from off the Property, as well as the prominent hill, with natural open space. In addition, the home sites are strategically clustered to reduce impacts to the hilltops and ridgelines. For instance, home sites along the south side of the major east-west ridge will be approximately 45 to 200 plus feet lower than the ridge, while pads on the north side of the ridge will be approximately 52 to 200 plus feet lower than the ridge. No home will intrude into the ridge top view as seen from the surrounding areas. Therefore, Staff's conclusion that the Project will be materially detrimental to the enjoyment and value of adjacent properties and property owners that currently enjoy vistas contained on the Property simply lacks merit.

b. *Contrary to the Staff Report, the Project Does Not Over-Disturb the Property's 50 Percent or Greater Sloping Areas*

Staff asserts that grading for 13 single-family lots and more than 600 linear feet of private driveways will disturb the steeping 50 percent or greater slopes, which Staff claims is detrimental to surrounding properties, which depend on hillsides, ridgelines, hilltops and slopes to remain in an undisturbed and natural state. (Staff Report, p. 13.) Staff provides no analysis for this entirely subjective judgment, nor does it specify which specific lots are of concern. In doing so Staff makes no mention of the fact that the Project was designed specifically to cluster



development to reduce impacts to the steep slopes. In fact, the major east-west ridgeline across the center of the site will not be graded, leaving the scenic feature intact. In addition, the grading for the actual home sites is minimal to reduce grading impacts. The Project also will strictly comply with the Hillside Grading Ordinance. The Project's proposed grading compares favorably to other projects recently approved by your Commission, as indicated in Attachment 1. Here again, Staff's conclusion is simply arbitrary and without merit.

2. The Project Site is Adequate in Size and Shape to Accommodate the Yards, Wall, Fences, Parking and Loading Facilities, Landscaping and Other Development Features Prescribed in Title 22 of the County Code, or as is Otherwise Required in Order to Integrate the Project with the Uses in the Surrounding Area

The Project site is 292.5 acres, which is adequate in size and shape to accommodate the Project. The Project's size and shape comply with all zoning and land use regulations that apply to the Property. For additional information, see the Applicant's February 12, 2007, Burden of Proof. Despite compliance with all relevant regulations, Staff arbitrarily finds that the Project is insufficiently clustered and overdevelops the Project site. (Staff Report, p. 13.)

a. *Contrary to the Staff Report, the Project is Sufficiently Clustered and Includes the Required Open Space Free From Disturbance*

Staff arbitrarily states that the Project's clustering design is insufficient. (Staff Report, pp. 10, 13.) The Project clustering is consistent with the CSD and Area Plan policies regarding clustering. The CSD provides that residential lots shall contain a gross area of not less than 2.5 acres; however, clustering is permitted in accordance with the Area Plan for projects located in hillside management areas provided that no lots contain less than 1.5 gross acres. (County Code § 22.44.122.7.) Consistent with the CSD, the Project proposes clustering with no lots less than 1.5 gross acres.

Moreover, the Project's proposed clustering is consistent with the Area Plan. The Area Plan contains a policy stating that "[r]esidential density designations in the Antelope Valley should be considered as average density for the total proposed development site to promote clustering, the provision of open space and the avoidance of hazardous lands." (Area Plan, VI-2 (emphasis added).) Clustering is defined in the Area Plan as "the rearrangement of units allowed within a single land use classification on a project site." The Area Plan further states that "clustering from steeper slopes to more gently rolling level land is encouraged as a means of preserving the natural terrain, minimizing grading and reducing exposure to natural hazards." (Area Plan, VI-23.) Similarly, the Area Plan's natural resource policy statement provides that the Area Plan shall "[e]ncourage clustering of residential uses on the flatter lands within hilly and mountainous areas to minimize grading and to preserve natural terrain." (Area Plan, V-17.) In accordance with the Area Plan policies, the home sites are strategically clustered to reduce impacts to the steeper sloped hilltops and ridgelines.

Staff unfairly criticizes the Project for dispersing lots into several clusters throughout the Property, rather than concentrating development in a particular area. Clustering the lots within a particular area, as proposed by Staff, would result in greater impacts to the natural terrain,



maximize grading, and increase exposure to natural hazards inconsistent with the Area Plan. Indeed, as proposed, the Project's clustering promotes the provision of open area. The Project's open area totals approximately 212.1 net acres, which is 79.4 percent of the overall Project net area and well in excess of the minimum 70 percent required. Clustering in a rural setting such as the Project site that requires at least 70 percent of the overall project net area to be maintained as open area is quite different than clustering in a highly dense community.

In addition, Staff objects to the Applicant's clustering of the building pads rather than the clustering of lots. Staff states that such clustering leaves no room for the Project's open space to be set aside in separate lots and asserts that often the areas of a project site free of development are set aside as a separate lot in order to facilitate the orderly preservation and maintenance of those areas. (Staff Report, p. 10.) While some residential developments may set aside open area as a separate lot, there is no legal requirement in either the Area Plan or County Code requiring that the open area be set aside as a separate lot as the only way to ensure permanency of the set aside. Rather, the requirement is simply that the open area is dedicated to perpetual uses as open area. The Project will achieve the orderly preservation and maintenance of this open area through easements and other development restrictions. Indeed, the County Code states that open space may include "[p]rivate yards, provided that certain construction rights are dedicated." (County Code 22.56.215.) In addition, the Applicant is proposing to include the vineyards as open area by easement, in compliance with the County Code. Therefore, contrary to Staff's statements, the Project's clustering allows for the preservation of ample natural and open area.

Staff also arbitrarily states that the Project does not meet the burden of proof for density-controlled development without sufficient analysis or explanation. (Staff Report, p. 13.) The Applicant has previously opined that the Project does not require a density-controlled development CUP because the Project does not request a higher density than is allowed by the CSD; rather, the Project proposes clustering as permitted by and consistent with the CSD and Area Plan. Regardless, the Project satisfies the CUP burden of proof for density-controlled development. Staff states that its implementation of density-controlled development requires the clustering of lots, not just building pads or structures, so that remaining areas can be set aside as separate open space lots. Yet, Staff cites to no policy or guidance that supports its statement. Certainly lot clustering and the use of open area set asides as separate lots is one method of design, but it is not the only way to achieve an adequately clustered development. In fact, Staff's position is merely an argument of form over content. When all is said and done, that portion of the "lot" which includes the actual structure of the residence or "pad" will be the same either way. Even the very definition of "density-controlled development" does not refer to concentrating lots, but instead refers to the concentration of "dwelling units on a portion or portions of a lot," leaving the remaining portion free of buildings or structures. (County Code § 22.08.040.D.) The key is that open area be free of buildings or structures with a legal mechanism in place to ensure it will remain as such in perpetuity. Consistent with the additional regulations for density-controlled development, the Project proposes permanent reservation of all commonly owned areas and provision will be made to insure the reservation of commonly owned areas. (See County Code § 22.56.205.B.)

Contrary to Staff's unsupported assertions, the Project's proposed clustering is consistent with the CSD and Area Plan as it ensures that the open areas will remain free of buildings or structures with building areas primarily concentrated away from slopes.



b. *Contrary to the Staff Report, the Project Would Not Overdevelop the Project Site*

Staff states that the Project is designed at 28 units over the midpoint density, and therefore leads to a lack of clustering and over grading. What Staff omits is that the Project's percentage over the midpoint compares favorably to other projects recently approved by your Commission. While Staff asserts that the Project site is not adequate in size and shape to accommodate the Project, the Project's density is entirely consistent with the General Plan, Zoning Code, and CSD, and the Project site is large enough to accommodate the 117 clustered residential lots, associated vineyards, bio-systems, wastewater treatment system, water tank, private driveways and fire lanes, and public trails. In fact, the Project proposes to leave the vast majority of the Project site 212.1 acres of the 292.5 gross acres as natural and open area. Further, the Project is consistent with the density in the surrounding community as demonstrated in Attachment 2, which provides a breakdown of the density in the surrounding community at 500 feet, 1,000 feet, 1,500 feet, and 2,000 feet.

Staff's midpoint density calculation is based on the low-density calculation used to determine whether a CUP is required. (See County Code § 22.56.215.E.) However, the CUP calculation is not the only low-density calculation and not even the most appropriate. To determine the permitted density of development on the Property, the Commission should also examine the density permitted under the General Plan and Area Plan. Using the CUP low-density calculation, the low-density threshold on the Property is 40, the midpoint is 89, and the high is 139. Under the General Plan and Area Plan, the low-density threshold on the Property is 80, the midpoint is 109, and the high is 139. While these density numbers provide interesting points of comparison, none of them provides a definitive density, and there is no requirement in the County Code to meet the midpoint density. Density in general is a determination left to the Commission's discretion, taking into account all of the various aspects of the Project and the Project site's suitability. The Commission should look to the unique green and sustainability elements as well as provided amenities to support the density of the Project.

The only written County policy concerning a reference point of allowable density is in the Department of Regional Planning Subdivisions and Zoning Interpretations and Procedures Manual. It explains that the maximum allowable density "represents a reference point for county decision-makers in determining the appropriate level and intensity of development for the property." (Department of Regional Planning Subdivisions and Zoning Interpretations and Procedures Manual, p. 144.) Therefore, the Commission should also examine the maximum density permitted under the calculations to determine whether the density is appropriate for the intensity of development. Even under Staff's calculation methods, the Project's density of 117 is well below the maximum density at 15 percent below while other recently approved projects range from maximum density to 8 percent below maximum density. (See Attachment 3.)

Staff notes that the County traditionally looks to the midpoint density as the measurement tool for a reasonable density for non-urban hillside management projects. There is no guidance that states the Staff or the Commission must require the midpoint density, and regardless of which calculation method is used, the Project's proposed density is not significantly above the



midpoint density. The Commission has the discretion to review the density numbers and decide what density is appropriate.

The Project's unique features, including its significant commitment to natural open area and green design, all militate in favor of density above any midpoint calculation. Staff itself explains that there is discretion in determining the appropriate density when it states that the Applicant could incorporate additional amenities that would justify increasing the density over the midpoint. (Staff Report, p. 14.) In fact, as Staff points out, the Applicant has already agreed to provide the listed amenities. Additional trail amenities have been added to the Project in consultation with the Department of Parks and Recreation, as discussed above. The Project also will implement Low Impact Development (LID) techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retentions systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project's environmental footprint. The Applicant is committed to assisting with the upgrade of an off-site Leona Valley community center, although Staff makes reference to a senior center. All of the items which Staff gives as reasons to allow additional density are things the Applicant has done or will do. The fact that Staff and the Applicant have yet to finalize additional amenities is simply another example of why this Project is not yet ready to be before your Commission. This Project compares favorably to other projects approved by your Commission with respect to the percentage over the midpoint and percentage under the maximum permitted density, as indicated in Attachment 3. In all cases, the approved density was well in excess of the so-called midpoint and in fact, all of the approved projects were at, or nearly at, the high point densities.

Because the Project is adequate in size as shape, the clustering and grading for the Project are consistent with the burden of proof. As discussed above in Section III.C.2.a, the clustering of the building sites conforms with the density-controlled development regulations. In addition, through the planning process, the Applicant has reduced grading on-site from 2.8 to 2.3 million cubic yards of combined cut and fill material to be balanced on-site. All grading done on the Project site will be done with sensitivity to the existing terrain, and as discussed above, the major east-west ridgeline across the center of the site, which is highly visible from off the Property, will not be graded at all, leaving this scenic natural feature fully intact. The grading for the actual home sites is minimal to further reduce grading impacts. In fact, as noted above, the proposed grading compares favorably to other projects recently approved by your Commission, as indicated in Attachment 1. Therefore, the Project would not overdevelop the Project site, and the Project site is adequate in size and shape to accommodate the Project.

3. The Project Site is Adequately Served by Public or Private Service Facilities as are Required

The Project will be adequately served by service facilities. For instance, the California Water Company has indicated a willingness to provide domestic water service for the Project. The Project will be served by local schools, for which the Applicant will pay the applicable school fees. For additional information, see the Applicant's February 12, 2007, Burden of Proof.

Despite the fact that the Applicant has planned and arranged for relevant service facilities, Staff incorrectly claims that the Project site is not adequately served by public facilities based on the erroneous assumption that the onsite wastewater treatment systems are proposed to



be maintained by a homeowners association. (Staff Report, p. 14.) Based on this assumption, Staff incorrectly concludes that the wastewater treatment facility is “infeasible,” and the Project is therefore not adequately served by public or private facilities. (*Id.*) In no way are the proposed onsite wastewater treatment facilities infeasible, and no County Department or the Regional Water Quality Control Board (“RWQCB”) in reviewing the proposed system has reached that conclusion. Contrary to the Staff Report, the Applicant no longer proposes that portions of the onsite wastewater treatment system be maintained by a homeowners association. It is not the case that all aspects of the system require common maintenance.

Each home will have its own advanced domestic waste treatment unit, which will be maintained by the individual homeowner. The highly treated effluent will then be conveyed to one of four centralized dispersal areas where the effluent will receive supplemental treatment (if necessary) and then evapotranspire or conventionally percolate in the soil. At a meeting between the relevant County Departments and RWQCB, it was determined and agreed that the infrastructure for conveyance of the treated effluent to the dispersal areas and the dispersal areas themselves will be maintained by a Community Services District or other similar public or private entity approved by the County. The maintenance costs and mechanisms for the common aspects of the system are the subject of ongoing discussions between the Applicant and Public Works and Health Department.

Overlooking this important change proposed for the Project is yet another example of why this Project is not yet ready to come before your Commission. The Applicant is working diligently to resolve Staff’s concerns with respect to the maintenance of the infrastructure for conveyance of the treated effluent to the dispersal areas, and the dispersal areas themselves, but needs additional time to ensure that these issues are addressed and that Staff has a full understanding of the Applicant’s current position on this and other issues.

4. The Project is Compatible with the Natural, Biotic, Cultural, Scenic, and Open Space Resources of the Area

The Project is compatible with the natural, biotic, cultural, scenic, and open space resources of the area. As discussed, the Project will be compatible with the rural character and equestrian lifestyle of Leona Valley. For instance, the Project will incorporate 212.1 acres of natural and open area, will include large lots ranging from 1.5 acres to 10.5 acres, and will incorporate publicly accessible equestrian and hiking trails adding an important link to the local trail system. For additional information, see the Applicant’s February 12, 2007, Burden of Proof. Despite these factors, Staff arbitrarily finds that the Project is not compatible with the natural, biotic, cultural, scenic, and open space resources of the area because of disturbance to the Property’s hilltops and ridgelines and grading of 50 percent or greater sloped areas. (Staff Report, pp. 12-13.)

a. *Contrary to the Staff Report, the Project Does Not Over-Disturb the Hilltops and Ridgelines*

Using no standards for its analysis, Staff claims that the Project over-disturbs the hilltops and ridgelines located within the Project site. (Staff Report, pp. 12-13.) Staff overstates the grading proposed by the Project when it states that five of eight hilltops will be disturbed with



proposed grading. In fact, the Project will maintain the major east-west ridgeline across the center of the site and the prominent hill with natural open space. The Project's proposed grading compares favorably to other projects recently approved by your Commission, as indicated in Attachment 1. In addition, the home sites are strategically clustered to reduce impacts to the hilltops and ridgelines.

Further, Staff misstates the Project's impacts on trails. Staff incorrectly states that the Project will remove existing trails at the Property, referencing an alleged "existing dirt trail" along the Property's ridge tops. (Staff Report, p. 13.) There are no existing public trails on the Property's ridge tops. Rather, hikers and equestrians trespass across the Property over a number of loosely defined paths including those along the ridge tops.

However, the Project will add trails to the Property and greatly enhance the County's trail system. Contrary to Staff's assertion that the trails will only be along the Project periphery, publicly accessible equestrian and hiking trails will be provided throughout the Property, adding an important link to the local trail system. The Project will dedicate three miles of trails to the Department of Parks and Recreation, include a 20-foot wide easement for the Leona Valley Loop (Regional) Trail, a multi-purpose trail along 87th Street West continuing along the northern Property boundary to the east and along Bouquet Canyon Road, and a trail alignment for the Granite Mountain Trail. The Applicant has also agreed to increased trail amenities on the Property requested by the Department of Parks and Recreation including view spots /rest areas, a hitching post, and benches. There are also approximately five miles of bio-swales adjacent to the private driveways and fire lanes in the Property that are accessible to the public for walking and equestrian uses.

Because of the strategic grading, the significant natural open space area, and improved trails the Project will not over-disturb the hilltops and ridgelines and will actually enhance and complement the Leona Valley rural character and equestrian lifestyle.

b. *Contrary to the Staff Report, the Project Does Not Over-Disturb the Property's 50 Percent or Greater Sloping Areas*

Staff asserts that grading for 13 single-family lots and more than 600 linear feet of private driveways will disturb the steeping 50 percent or greater slopes, which Staff claims is incompatible with the community's natural resources, which depend on hillsides, ridgelines, hilltops and slopes to remain in an undisturbed and natural state. (Staff Report, p. 13.) As discussed above, Staff provides no analysis for this entirely subjective judgment. In doing so, Staff makes no mention of the fact that the Project was designed specifically to cluster development to reduce impacts to the steep slopes. The major east-west ridgeline across the center of the site will not be graded leaving the scenic feature intact. In addition, the grading for the actual home sites is minimal to reduce grading impacts. The Project will also strictly comply with the Hillside Grading Ordinance. Further, the Project's proposed grading compares favorably to other projects recently approved by your Commission, as indicated in Attachment 1. Therefore, the Project will not over-disturb the Property's 50 percent or greater sloping areas and the Project is compatible with the natural, biotic, cultural, scenic, and open space resources in the area.



5. The Project Demonstrates Creative and Imaginative Design, Resulting in a Visual Quality that Will Complement Community Character and Benefit Current and Future Community Residents

The Project demonstrates creative and imaginative design, resulting in a visual quality that will complement community character and benefit current and future community residents. For instance, the Project has been strategically designed to cluster the building sites to reduce impacts to the hilltops and ridgelines and increase the natural and open areas on the Project site.

In addition, the Project is a model for sustainable and low impact development in the County. The Project strives to enhance Leona Valley's environment and infrastructure by utilizing the pilot Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) methodologies. The Project also will implement Low Impact Development (LID) techniques such as bio-swales, permeable pavement, rain gardens, bio-infiltration and bio-retentions systems, and rainwater collection systems to maximize recharge of rainwater and minimize the Project's environmental footprint. The Project will advance alternative wastewater management practices such as lot specific advanced wastewater treatment systems (ATS) and Evapotranspiration/Infiltration (ET/I) areas. Through the use of these features, the Project will manage on-site all of the stormwater that falls on the Property as well as any wastewater generated by the individual homes.

The Project will uniquely integrate agricultural elements into a low density residential design. The Project's significant emphasis on sustainability will result in an innovative, green, cutting edge community.

For additional information, see the Applicant's February 12, 2007, Burden of Proof. Despite these unique factors, Staff contends that the designated open spaces will not result in a visual quality that will benefit the future community. (Staff Report, p. 13.)

- a. *Contrary to the Staff Report, the Project Exceeds the Minimum Required Natural and Open Area and Will Result in a Visual Quality that Will Benefit Future Community Residents*

A nonurban hillside management residential project for which a CUP is required must provide a minimum of 70 percent of the project site as natural and open area. (Area Plan, VI-23.) The Project is approximately 292.5 gross acres and 267 net acres; therefore, the required open space is 186 acres, or 70 percent of the Project site. The Applicant is proposing 212.1 acres of natural and open area.

Staff asserts that the Project includes less than the required 70 percent natural and open area and therefore will not result in a visual quality that will benefit the future community of residents. Despite Staff's statements, the Project includes 212.1 acres of natural and open area. Of this, 94 acres of open area will be set aside for an agricultural element – vineyards – well in excess of the 186-acre requirement. As discussed in detail in Section II.B, the vineyards are permitted within the natural and open area. The natural and open area of the Project will provide a visual quality that will benefit the future community residents. The combination of undulating vineyards capped by the ridgelines without vineyards will enhance the scenic nature of the Leona

Valley community. In fact, the Applicant views these extensive natural and open areas as one of the Project's unique benefits that would draw residents to the community.

#### **IV. ENVIRONMENTAL REVIEW**

In accordance with CEQA, Staff prepared an Initial Study for the Project and determined that the Project requires an MND. Staff has not presented the MND to the Commission. The MND concludes that the Project results in less than a significant impact with mitigation. Without the MND, the Commission cannot fairly judge potential impacts from the Project, including those raised in the Staff Report and by Project opponents.

#### **V. ADDITIONAL DOCUMENTS SHOULD HAVE BEEN INCLUDED IN THE STAFF REPORT**

In addition to numerous inaccuracies and misrepresentations in the Staff Report, Staff failed to discuss or provide the Commission with numerous submissions made to Staff by the Applicant and its representatives. As such, your Commission does not have complete information about the Project. The following is a non-exhaustive list of some of the missing documents. The Applicant requests that in addition to the documents included in the list, all submittals by the Applicant and its representatives be incorporated by reference into the Staff Report in their entirety:

- Biological Assessment and Sensitive Plant Reports (August 15, 2006);
- Archeology/Paleontology/Cultural Reports, including the Archeological Study (5-2007); Paleontological Study (June 8, 2006); and Cultural Resource Study (September 8, 2006);
- Fish & Game Jurisdictional Analyses Investigation of Jurisdictional Wetlands and Waters of the U.S. (August 2006);
- Draft Initial Study (#1) and Mitigated Negative Declaration prepared by Staff, including all Staff responses to comments generated by that Draft Initial Study (June 6, 2007);
- Topographic Model (and photographs thereof, coupled with photographs of the existing site from corresponding vantage points) (June 25, 2007);
- Clustering Issue Paper with Clustering Exhibit (October 1, 2007);
- Leona Valley Composite Assessors Parcel Maps and Aerial Photo (showing Community Densities) (March 12, 2008);
- Draft Initial Study (#2) prepared by Staff (July 6, 2010) and proposed final Initial Study and Mitigated Negative Declaration prepared by Staff that addresses all comments received by Staff since July 2010;



- Ridgeline Analysis (with Site Photos) Schmitz & Associates, Inc. (September 17, 2008);
- Agriculture/Vineyards as Open Space, Schmitz & Associates, Inc. (September 25, 2008);
- Interpretation of Clustering/Density Controlled Development, Schmitz & Associates, Inc. (October 20, 2008); and
- Traffic Reports by Kunzman & Associates, including the approved Traffic Report (March 11, 2008); Response to Residents Concerns (February 2, 2009); and Supplemental Traffic Letter (June 13, 2011).

## **VI. CONCLUSION AND REQUEST**

We respectfully request that your Commission consider this Project only after all of the facts and analysis are available for you to consider. It is not possible for your Commission to fully or fairly evaluate this Project without an environmental document and while outstanding issues are still being worked out between the Applicant and County Departments. This Project is just not ready for you to pass judgment on. The Applicant has expended a substantial amount of resources and simply asks that you continue the case and direct Staff to continue to work with the Applicant to resolve as many issues as possible and complete the environmental document so you can fully consider all of the facts before making a decision.

# ATTACHMENT 1

## Grading of Recently Approved County Projects

PROJECT NAME	<i>Valley Vineyards</i>	Skyline Ranch	Lakeview Estates	Vanguard	Pacific Heights
Tract	<i>66952</i>	60922	53933	64989	51153
Approved	<i>N/A</i>	12/7/2010	8/4/2010	3/31/2010	10/21/2009
<b>STATISTICS:</b>					
Total Acres	<i>292.5</i>	2,173	47	29	114
Number of Dwelling Units	<i>117</i>	1260	70	24	47
Average Lot Size	<i>2.5 acres (108,900 sf)</i>	0.22 acres (9,583 sf)	0.16 acres (6,900 sf)	0.29 acres (12,632 sf)	0.19 acres (8,268 sf)
Acreage Devoted to Residential	<i>82</i>	622	42.04	12	13
Percentage Open Space (70% min)	<i>79.40%</i>	81.00%	58.00%	72.00%	89.00%
<b>GRADING QUANTITY ISSUE:</b>					
Total Cubic Yards Combined Cut/Fill (cy)	<i>2.32 Million</i>	41.6 Million	1.28 Million	126,284	1.12 Million
Avg. cy per Lot	<i>19,830</i>	33,016	18,284	4,720	21,986
<i>Avg. cy adjusted for Lot Size</i>	<i>20,512</i>	<i>167,202</i>	<i>75,472</i>	<i>26,308</i>	<i>205,480</i>
Avg. cy per Residential Acres Used	<i>28,292</i>	66,880	30,188	10,522	82,192
<i>Avg. cy per Gross Acres of Development</i>	<i>7,734</i>	<i>19,144</i>	<i>27,090</i>	<i>4,430</i>	<i>9,042</i>

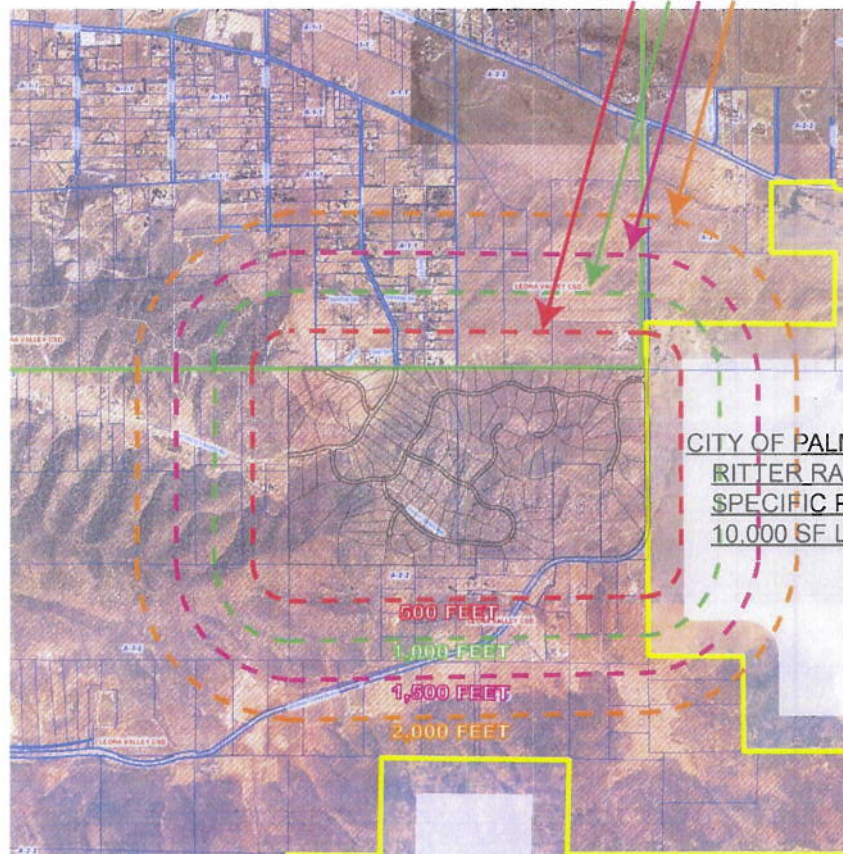


## ATTACHMENT 2

### VALLEY VINEYARDS - SURROUNDING DENSITY OF RESIDENTIAL LOTS

Total All Lots		
Total Acreage		
With Homes	278.9	
Without Homes	219.9	
Total Lots		
With Homes	64	
Without Homes	27	
Density of SF Homes		
Less than 1 Ac	1	
1-2 Ac	21	
2-3 Ac	21	67% are less than 3 acres
3-4 Ac	2	
4-5 Ac	3	
5-6 Ac	2	
6-7 Ac	2	
7-8 Ac	2	
8-9 Ac	1	
Greater than 9 Ac	4	
Average	4.28	

North of Property		
	500 Ft	1,000 Ft
Total Acreage		
With Homes	34.53	10.7
Without Homes	2.59	7.46
Total Lots		
With Homes	11	11
Without Homes	1	2
Density of SF Homes		
Less than 1 Ac	0	1
1-2 Ac	8	5
2-3 Ac	2	5
3-4 Ac		6
4-5 Ac		7
5-6 Ac		20
6-7 Ac		0
7-8 Ac		0
8-9 Ac		0
Greater than 9 Ac		0
Average	3.14	1.79



West of Property		
	500 Ft	1,000 Ft
Total Acreage		
With Homes	5	0
Without Homes	15.44	32.22
Total Lots		
With Homes	1	1
Without Homes	6	2
Density of SF Homes		
Less than 1 Ac		2
1-2 Ac		0
2-3 Ac		0
3-4 Ac		0
4-5 Ac		1
5-6 Ac	1	1
6-7 Ac		1
7-8 Ac		0
8-9 Ac		1
Greater than 9 Ac		0
Average	5	4.24

South of Property		
	500 Ft	1,000 Ft
Total Acreage		
With Homes	17.87	15.95
Without Homes	16.5	27.84
Total Lots		
With Homes	4	5
Without Homes	4	2
Density of SF Homes		
Less than 1 Ac		0
1-2 Ac		0
2-3 Ac		1
3-4 Ac	1	1
4-5 Ac	1	1
5-6 Ac	1	2
6-7 Ac	1	1
7-8 Ac	1	1
8-9 Ac		1
Greater than 9 Ac		1
Average	4.13	5.32

Source: County Assessor and Lawyer's Title

### ATTACHMENT 3

#### Midpoint Density of Recently Approved County Projects

Project Name	Skyline Ranch	Lakeview Estates	Vanguard	Valley Vineyards
Tract	060922	53933	064989	066952
Approved	12/07/2010	08/04/2010	03/31/2010	
<b>MIDPOINT DENSITY ISSUE:</b>				
Acres in 0-25% Slope	774	9.25	21	133
Acres in 25%-50% Slope	644	9	4	143
Acres in 50% slope +	755	26	3	16
Low Density	402	26	10	40
<b><i>Calculated Midpoint</i></b>	<b>852</b>	<b>52</b>	<b>18</b>	<b>90</b>
Maximum Density	1302	70	26	139
Amount Approved	1,260	70	24	117
Percent over Midpoint	45%	35%	33%	31%
<b><i>Percent <u>under</u> Maximum</i></b>	<b>3%</b>	<b><i>at Max</i></b>	<b>8%</b>	<b>15%</b>